

THE NEW BATTLES: SOCIAL SECURITY & THE SUPREME COURT

THE AMERICAN Prospect

LIBERAL INTELLIGENCE

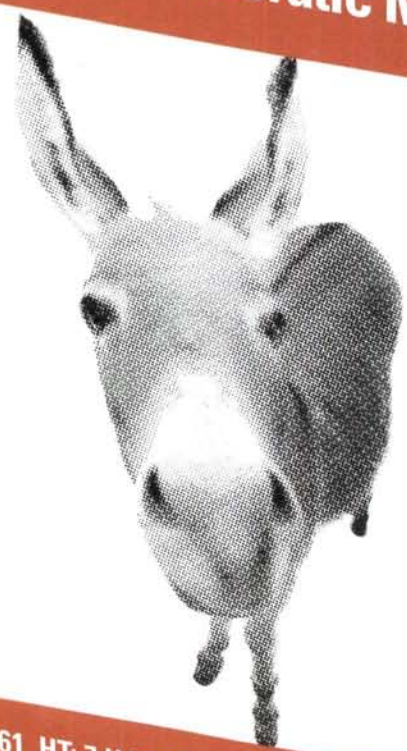
JANUARY 2005

Nicolaus Mills:
Iris Chang's Burden

Special Report:
Democracy at Risk

MISSING

Have You Seen the
Emerging Democratic Majority?



It's Closer Than
You Think
JOHN B. JUDIS
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It's Forming—In
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It's Farther Away
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THE AMERICAN Prospect

LIBERAL INTELLIGENCE

*"I hope ever to see America among
the foremost nations of justice
and liberality."*

—GEORGE WASHINGTON

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Security Flaws

REPUBLICAN PLANS TO PRIVATIZE SOCIAL SECURITY raise two different security questions. One is the impact on the retirement security of workers if they become dependent on the stock market for their basic livelihood in old age. The other concerns the nation's

security if, as news reports indicate, the Republicans decide that rather than raise taxes, the government will borrow the money to finance the shift to private accounts.

The Congressional Budget Office already projects a federal deficit of \$2.3 trillion over the next 10 years. Making the Bush tax cuts permanent, as the president urges, would add another \$1.9 trillion. But the total of \$4.2 trillion is a low estimate because it allows for no adjustment for population growth and inflation in discretionary programs, not to mention future costs in Iraq or other wars. Borrowing the funds for Social Security privatization would raise deficits by \$2 trillion more.

From whom will we borrow the money? These days about three-fifths of the federal deficit is being financed by foreign countries, much of it by their central banks. Currently, Japan is holding \$720 billion in U.S. treasuries; China, \$174 billion. If the Bush proposal were enacted without tax increases, the federal government would go deeper into debt to foreign countries to enable workers to speculate on the stock market.

I pause here to reminisce over the days when "conservatism" had something to do with prudence and when Republicans saw themselves as guardians of sound finance. There is also the peculiar matter of our growing dependence on China. Before September 11 and the pre-occupation with Islamic terrorism, the

specter that haunted the minds of some conservative intellectuals was the emergence of China as a global rival. No one in the Bush administration, however, seems to mind that we rely increasingly on China not only for cheap goods at Wal-Mart but also for the money to cover the federal deficit. Irony does not begin to describe the prospect of privatizing Social Security with billions borrowed from what used to be known as "Red China" (a "red state" in an obsolete sense that older readers will recall).

A recent report that China might be trimming back its purchases of Treasury bonds briefly gave the currency markets the jitters, pushing down the dollar. If China were to begin unloading its dollar assets, it could send the dollar into a free fall, forcing up U.S. interest rates and potentially bringing on a deep recession. Given China's dependence on exports to the United States and its hoard of Treasury bonds, no one expects Beijing to bring about a dollar collapse deliberately. But a collapse could occur nonetheless.

For while the federal deficit has been soaring, so has the U.S. trade deficit. At an estimated \$665 billion this year, the current account deficit amounts to 5.7 percent of the U.S. gross domestic product

and is forecast to reach 7 percent of the GDP in 2006—more than 50 percent higher than its previous historic peak. Third World countries with deficits like these soon find themselves under the supervision of the International Monetary Fund. The United States is more fortunate, but we, too, face a reckoning.

When Americans consume more than they produce, other countries accumulate dollar assets—because they believe the dollar is likely to hold its value. That confidence is the basis of the dollar's status as the world's reserve currency. Altogether, foreigners' dollar assets are worth an estimated \$11 trillion; as *The Economist* recently pointed out, the United States has, in effect, been able to write trillions of dollars in checks that the rest of the world hasn't cashed. We ought to be keen on keeping this privilege.

In the past three years, however, the value of the dollar has fallen 35 percent against the euro, and some analysts expect a further fall of 30 percent. A weak dollar benefits American industry by making our products cheaper abroad (though it hurts consumers by making imported goods more costly). The big danger is a loss of international confidence in the

dollar that would jeopardize its position as the world's reserve currency, leading foreigners to cash those outstanding checks and sending long-term interest rates in the United States sharply higher (with severe effects, for example, on home purchases, likely bursting the bubble in the real-estate market).

With the federal and trade deficits both headed toward unprecedented levels, we are already on a dangerous path. Economic policy shouldn't be pushing us further down that road. Borrowing to the hilt to finance stock-market investments isn't a good idea for individuals. It doesn't make any sense for the nation, either. **TAP**

—PAUL STARR

*Should America
borrow billions
from foreigners
so workers can
invest in the
stock market?*



I'm Jacques-d!

IT IS REFRESHING WHEN A major pundit says straight out, "I regret my error." So said Todd Gitlin to George Stephanopoulos, as you admirably published in December, about Gitlin's first claim that Stephanopoulos did not counter the Swift Boat Vets and pows for Truth lies on a TV show.

Not quite so admirable is Noy Thrupkaew, who [in "What's Up, Docs," December 2004] defends the indefensible (Jacques Derrida's notion that it matters not what the author intended, only what the reader might construct in the way of interpretation). Thrupkaew admits to being disarmed by a liar, Ken Cordier, who directed the slander of John Kerry's war record in a Swift-boat film and then allowed as to how it is untrue that Orientals have a different mind-set in response to your correspondent's inquiry. Instead of criticizing Michael Moore's extravagant claims directly, Thrupkaew instead compares them to Cordier's admission that when pushed on the dynamite question of missing pows, he said, "Who knows?"

The piece ends with that provocative query, but not a context for the grief the POW

*Blustain's labeling
abortion a "sad"
event allows me to
open up to the rest
of her message.*

—MATT KAMBIC
PITTSBURGH, PA

question has caused American politics for 30 years. Instead, the passage reads like a grad-student review of a book in a not-quite-mainstream academic journal. Who knows? How ironic!

So what's the point? Cordier is not more of a liar than Moore? Does *TAP* want to be in that ballpark? Or is it that the cool indeterminacy of "who knows?" is supposed to appeal to a younger sensibility? The definition of pandering is this: to cater to the lower tastes and desires of others or to exploit their weaknesses.

Try this as parallel construction: Maybe Thrupkaew agreed with Cordier that Kerry lied about his service in Vietnam, etc. Who knows?

ROBERT J.S. ROSS, PH.D.
*Professor of Sociology
Director, International
Studies Stream
Clark University
Worcester, MA*

Progress Noted

THE ARTICLE BY SARAH Blustain ["Choice Language," December] is a breakthrough. Her willingness to label abortion a "sad" event from a pro-choice perspective allows me, an anti-abortion Democrat, to open up to the rest of her message. (I used to

think George W. Bush was "pro-life," but after the Iraq War and all the other social and environmental dominoes that have fallen, I've long since given up that stance.) I am keen to see progress that isn't measured by the volume of our disagreements but by our ability to find a place for newborns who would otherwise be eliminated.

But my main point is to thank you for printing it, a measured opinion on a difficult issue that few on the pro-choice side ever want to admit is even "a bad situation."

MATT KAMBIC
Pittsburgh, PA

Hit Job

I'VE READ YOUR NOVEMBER article about the Trafficking Victims Protection Act [Tara McKelvey, "Of Human Bondage"] and the movement behind it. Having long been a part of that movement, I and others in it both need and solicit serious criticism of the policy choices that inevitably accompany so serious an initiative. Sadly, your author has engaged in hit-job journalism that will neither educate your readers nor keep our movement on its toes.

The take-away message of your article comes to this: A coalition of evangelical Christians, movement feminists, and Jews are so prudish and vindictive that they seek to bar condom distribution to medically vulnerable prostitutes and are otherwise indifferent to protecting the millions of women and children now savaged by today's sex/slave traffickers.

What nonsense!

In her effort to find that the Bush administration can do

no right, your author offers a caricatured fable that deliberately misses the serious issues confronted by persons such as Ambassador John R. Miller, one of the most unambivalently successful senior government officials of my lifetime. Rather than tarring Miller and the broad anti-trafficking coalition with false claims of hostility to health, protective, and rehabilitative services for the victims of today's worldwide "sex industry," your story could have performed a useful service by dealing with the following, real dilemma: Traffickers and brothel owners—21st-century equivalents of 19th-century African slave traders—routinely refuse the offer of condoms or health-care services for their "sex workers" unless they are also guaranteed legitimacy and protection from criminal prosecution.

This, then, is the issue that your story fails to note: the age-old dilemma of evil actors who treat vulnerable victims as hostages and demand appeasement and legitimacy as their blackmail payoff.

But something else is also happening, which your story inexcusably failed to note: Today, because of the Trafficking Victims Protection Act and the men and women who enforce it, more health, safety, and rehabilitation services are being offered to victimized sex workers than ever before—and by orders of magnitude.

The initiative against sex trafficking is a crown-jewel public-policy achievement. Countries throughout the world know of America's resolve to abolish the mass slave trade of women and children. Led by Miller, the war against the slavery issue

of our time is proceeding spectacularly apace. It will not be deterred by the self-serving complaints of a few previously funded NGOs whose "public health" perspectives blind them to the urgent need to eliminate trafficking mafias, and whose self-fulfilling prophecies that those mafias can never be curbed are now, happily, being proven wrong.

MICHAEL HOROWITZ
Director, Project for International Religious Liberty
Hudson Institute
Washington, DC

Weird Science

WITH ALL DUE RESPECT, I find it astonishing that the *Prospect's* immediate postmortem on the election centers on "the problem posed by gay rights for liberals." August Bebel once said that anti-Semitism is the socialism of fools. Might it be said, in turn, that holding gay rights responsible for John Kerry's loss is the liberalism of fools?

This election was George W. Bush's to lose. The wonder of it is that he in fact came very close to losing it. If you plot the 2000 vote by state against the 2004 vote, you get a straight line slightly above 45 degrees. Forty-seven states went the same way they did in 2000. And no one has been able to show that the gay-rights issue carried Ohio for Bush.

In light of all these obvious facts, why this illiberal preoccupation with gay rights? It's weirdly Nixonian—"and, uh, uh, if we kick the gays out, then we get the Hispanics, right?" Please, we need you guys to do better than this.

RICK VALELLY
Swarthmore, PA

Correction: In our December 2004 issue on page 52, we mistakenly published a photo of Public Safety Commissioner Joseph Cannon, instead of House Speaker Joseph Cannon of the 58th–61st Congresses. Our apologies for any confusion.

To Our Readers: You should already have noticed that this issue of *The American Prospect* looks different. From the "flag" (the name of the magazine on the cover) to the body text to the "folios" (the small type at the bottom of each page), we have gone over every typographic and design detail to present a more elegant magazine—a design that is more subtle and understated, but one that also lends greater authority to the words within it.

The body text is Miller, a font designed by Matthew Carter, which the Font Bureau describes as one of the "sturdy, general purpose types of Scottish origin, widely used in the U.S. in the last century but neglected since and overdue for a revival" (we agree). The "sans-serif" font is Whitney, which was designed by Tobias Frere-Jones for the Whitney Museum of American Art in New York.

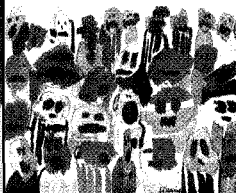
This redesign was conceived and created by our associate art director, Aaron Morales, and our design consultant, Point 5 Design, spearheaded by Alissa Levin, with assistance from Jennifer Over. We think they did a masterful job, and we thank them.

Letters to the editors should be sent to letters@prospect.org or mailed to The Editors, The American Prospect, 2000 L St., NW, Suite 717, Washington, D.C. 20036.

Truck of Fools

by Carlos Liscano

TRANSLATED BY ELIZABETH HAMPSTEN

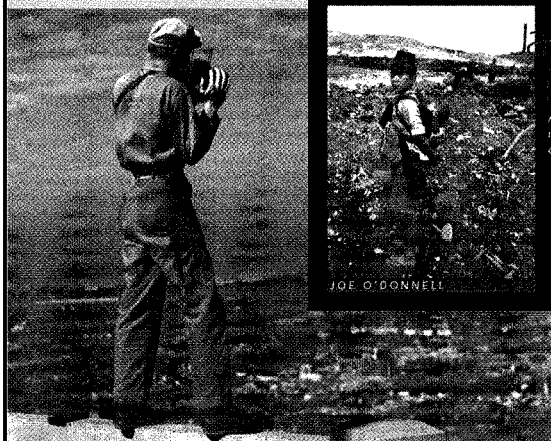


Truck of Fools

Carlos Liscano

A political dissident who was jailed and tortured by Uruguay's military regime, Carlos Liscano movingly recounts his experiences in this powerful book. He offers unique insight into the plight of the prisoner and the mindset of his tormentors. This is the first English translation of a book by one of Uruguay's best-known novelists.

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Japan 1945

A U.S. Marine's Photographs from Ground Zero

Joe O'Donnell

Foreword by Mark Selden

This stunning book assembles 74 photos taken by a young Marine Corps photographer in Japan in the months immediately following World War II. As well as Hiroshima and Nagasaki, fire-bombed cities such as Sasebo are also included. These images (which so disturbed Joe O'Donnell that he kept them locked away for 40 years) were banned from the Smithsonian's controversial Enola Gay exhibit.

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Devil in the Details



NO SWEAT, DOCTOR

JUST HOW CRAVEN A panderer is Senate Majority Leader Bill Frist? Consider the following: The office of Democratic Congressman Henry Waxman released a report early in December analyzing 13 curricula for abstinence-only education programs currently receiving federal funding. Most of these programs are backed by the religious right and are intended to bring back that idyllic era of sexual ignorance and misinformation in which American youth flourished before Alfred Kinsey ruined everything. Perhaps unsurprisingly, then, the report found that 11 of the 13 curricula contained significant scientific errors and fallacious use of medical data.

One curriculum claimed that condoms often do not reduce the spread of sexually transmitted diseases. Another hyped a phony connection between chlamydia and heart disease. A third claimed that HIV/AIDS could be transmitted through sweat and tears.

A few days after the report's release, the good doctor Frist—a real-deal, Harvard-educated M.D.—appeared on ABC's *This Week*. Host George Stephanopoulos brought up the report and said to Frist, half in jest, “Now, you’re a doctor. Do you believe that tears and sweat can transmit HIV?”

But it turned out this was a trickier question than Stephanopoulos realized. “I don’t know,” Frist replied, obviously reluctant to question

the scientific veracity of educational literature put out by elements of the GOP’s evangelical base. A startled Stephanopoulos repeated his question, giving Frist the chance to offer a second opinion. But Frist wouldn’t budge, refusing to say explicitly that a person could not, in fact, contract HIV through sweat or tears.

Stephanopoulos asked again, then again; his fourth swing at bat was his last. “I wanted to move to another subject; let me just clear this up, though,” he said. “Do you or do you not believe that tears and sweat can transmit HIV?” Bill Frist, M.D., offered his final diagnosis. “It would be very hard,” he said.

Curious to see if Frist’s note of ambiguity reflected the current medical consensus on AIDS transmittance, we posed the sweat and tears question to folks at the Centers for Disease Control (CDC) and the National Institutes of Health (NIH). A spokeswoman for the CDC’s National Center for HIV, STD and TB Prevention answered our question with a crisp “no” and referred us to some CDC literature stating, with notable lack of Frist-like qualification, that “HIV has not been recovered from the sweat of HIV-infected persons. Contact with saliva, tears, or sweat has never been shown to result in transmission of HIV.”

Dr. Edmund Tramont, director of the AIDS division of NIH’s National Institute of Al-

lergy and Infectious Diseases, concurred, noting that Frist’s “I don’t know” response “is a very safe answer.”

We look forward to future *This Week* appearances to hear Dr. Frist’s take on hairy palms syndrome (HPS).

— SAM ROSENFELD

SOFT ON WAR CRIMES?

IN THE MONTHS FOLLOWING Iraq’s January election, Saddam Hussein will stand in the dock for war crimes and crimes against humanity. But as the Butcher of Baghdad awaits trial, a surprising dilemma has surfaced: Do we want him convicted? On one charge, at least, doing so might have lasting repercussions for the United States down the road.

Long before troops from the U.S. Army’s 4th Infantry Division rooted Hussein out of his “spider hole,” plans were well under way to set up a tribunal to prosecute him and his Baath Party co-conspirators for crimes committed during their 35-year reign. Initially, Pentagon lawyers and civilian legal experts borrowed heavily from the statutes of the International Criminal Court (ICC) and the war-crimes tribunals for Rwanda, Sierra Leone, and the former Yugoslavia to piece together a draft statute for the Iraqi Special Tribunal to try Hussein and his cohorts.

Purposefully left out of the draft, and excluded from the jurisdictions of these existing tribunals, was the crime of aggression. In customary international law, aggression is generally understood as the use of armed force by one state against the sovereignty, territorial integrity, or political independence of another state when not in self-defense or without the United Nations Security Council invoking Article VII of the UN Charter (which authorizes the use of force to maintain global peace and security).

Though the crime of aggression played a central role in the Nuremberg trials, it has been a touchy subject for the United States since the end of the Cold War. For better (think Kosovo) or worse (try Iraq), the United States is more likely than any other country to apply armed force without a by-your-leave from the UN. For that reason, the United States has sought to avoid making aggression a clearly defined war crime.

The Iraqi Special Tribunal, however, is a collaborative process between the United States and Iraq. When presented with the draft statute, Salem Chalabi, then president of the tribunal, insisted that the final version include a catchall provision for crimes recognized by Iraqi law.

And wouldn't you know? Iraq had a law on the books that prohibits aggressive war against another Arab country.

Michael Scharf, director of the Frederick K. Cox International Law Center at the Case Western Reserve University School of Law, attended an October meeting in London with all the Iraqi Special Tribunal judges and magistrates, where, he told the *Prospect*, a consensus was reached to try Hussein for the crime of aggression for invading Kuwait.

What an awkward moment this could be for the United States! Which is why the authors of the Bush doctrine of preemptive war may not be overly disappointed if Hussein beats this particular rap—or, better yet, if he never faces the charge at all.

— MARK LEON GOLDBERG

ISLAMABAD IS GOOD

UP EARLY ON THE MORNING of Saturday, December 4, for a joint press conference with Pakistani President Pervez Musharaff, U.S. President George W. Bush took the opportunity to reiterate his position on the Israeli-Palestinian conflict. "The solution in the Middle East," he said, "is for there to be a world effort to help the Palestinians develop a state that is truly free—one that's got an independent judiciary, one that's got a civil society, one that's got the capacity to fight off the terrorists, one that allows for dissent, one in which people can vote." An

In red states in 2001, there were 572,000 **divorces** ... Blue states recorded 340,000 ... In the same year, 11 red states had higher rates of divorce than any blue state ... In each of the red states of Louisiana, Mississippi, and New Mexico, 46.3 percent of all births were to **unwed mothers** ... In blue states, on average, that percentage was 31.7 ... Delaware has the highest rate of **births to teenage mothers** among all blue states, yet 17 red states have a higher rate ... Of those red states, 15 have at least twice the rate as that of Massachusetts ... There were more than 100 **teen pregnancies** per 1,000 women aged 15 to 19 in 5 red states in 2002 ... None of the blue states had rates that high ... The rate of **teen births** declined in 46 states from 1988 to 2000 ... It climbed in 3 red states and saw no change in another ... The per capita rate of **violent crime** in red states is 421 per 100,000 ... In blue states, it's 372 per 100,000 ... The per capita rate of **murder and non-negligent manslaughter** in Louisiana is 13 per 100,000 ... In Maine, it's 1.2 per 100,000 ... As of 2000, 37 states had statewide policies or procedures to address **domestic violence** ... All 13 that didn't were red states ... The 5 states with the highest rates of **alcohol dependence or abuse** are red states ... The 5 states with the highest rates of alcohol dependence or abuse among 12- to 17-year-olds are also red states ... The per capita rate of **methamphetamine-lab seizures** in California is 2 per 100,000 ... In Arkansas, it's 20 per 100,000 ... The number of meth-lab seizures in red states increased by 38 percent from 1999 to 2003 ... In the same time frame, it decreased by 38 percent in blue states ... Residents of the all-red Mountain States are the most likely to have had 3 or more **sexual partners** in the previous year ... Residents of all-blue New England are the least likely to have had more than 1 partner in that span ... Residents of the mid-Atlantic region of New York, Pennsylvania, and New Jersey were the most likely to be **sexually abstinent** ... Residents of the all-red West South Central region (Texas, Oklahoma, Arkansas, Louisiana) were the least likely ... Five red states reported more than 400 cases of **chlamydia** per 100,000 residents in 2002 ... No blue state had a rate that high ... The per capita rate of **gonorrhea** in red states was 140 per 100,000 ... In blue states, it was 99 per 100,000.

inspiring vision, no doubt.

But Bush has some curious ideas about how to turn it into a reality. "One of the interesting lessons that the world can look at is Pakistan," Bush said, citing it as a refutation of those "who do not believe that a Muslim society can self-govern."

Well, of course Muslim societies can self-govern. Just check out Turkey, Indonesia, and Bangladesh, where Muslim populations have erected functioning electoral democracies. But Pakistan as a model democracy? The State Department's most recent report, released in February 2004, called that nation's local and legislative elections of 2001 and 2002 "deeply flawed" and noted that no actual legislation has been passed by the National Assembly since 2002. The gov-

ernment, says the report, is dominated by "President Musharaff, the intelligence services, and the military." The report describes Pakistan's human-rights record as "poor," citing "extrajudicial killings," "near-monopoly control of broadcast television and radio," and a judiciary "subject to executive branch and other outside influences."

Despite such cavils, Bush insisted that "President Musharaff can play a big role" in teaching Palestinians the value of freedom. Certainly, Yasir Arafat hardly provided a model of democracy, liberalism, or transparent government. On the other hand, unlike Musharaff, he never organized a coup to topple a democratically elected government, driving the former leaders into exile before backing out of a commitment to

relinquish power by pushing through some constitutional amendments to consolidate his regime. In the course of the amendment process, Musharaff promised to step down as army chief by the end of 2004. But in October of this year, the fifth anniversary of his coup, Pakistan passed the "President to Hold Another Office Bill 2004," reneging on that commitment.

And we wonder why skepticism persists in the Muslim world that the United States is really interested in promoting freedom and democracy there.

— MATTHEW YGLESIAS

WHAT? NO TANG?

EARLY IN 2004, GEORGE EW. Bush tried unsuccessfully to channel John F. Kennedy, unveiling a new space initiative that included the promise of a manned mission to Mars by 2030.

"This agency and the dedicated professionals who serve it have always reflected the finest values of our country: daring, discipline, ingenuity, and unity in the pursuit of great goals," Bush declared to a crowd gathered at NASA headquarters in Washington. "America is proud of our space program. The risk-takers and visionaries of this agency have expanded human knowledge, have revolutionized our understanding of the universe and produced technological advances that have benefited all of humanity."

But one year after Bush's dramatic announcement, the United States can't even seem to spare a MoonPie for the two crewmen aboard the International Space Station. On Octo-

ber 13, U.S. astronaut Leroy Chiao and Russian cosmonaut Salizhan Sharipov blasted off from Kazakhstan for a six-month stay aboard the space station. In early December, however, only two months into their mission, NASA officials announced that the station is running so low on food that the two crewmen must cut back on their eating. And if a scheduled supply flight fails to arrive on Christmas Day, the pair may have to abandon the orbiting laboratory altogether.

NASA and the Russian Space Agency discovered the shortage in early December when they noticed that the astronauts had begun dipping into the 45-day food reserve weeks earlier. According to NASA officials, an independent team is currently investigating how the food supplies ended up being tracked so poorly. The United States is responsible for operating the major systems—including food—aboard the station.

Of course, the hungry crewmen are just the latest casualties of the Bush administration's preference for grand strategy over gritty logistics. Other victims include soldiers in Iraq who have to dig through landfills for scrap metal to armor their vehicles, and soldiers serving under the Pentagon's stop-loss order, which amounts to little more than a de facto draft of otherwise former military personnel. And then there are this year's flu victims, many of whom braved long lines only to discover a shortage of vaccines.

In the parlance of Texas that our president so favors, this administration is all hat and no cattle.

— AYELISH MCGARVEY

TRANSCRIPT

From the December 3, 2004, broadcast of the nationally syndicated *The Radio Factor* with Bill O'Reilly:

Caller: The thing is, is when you have, for example, Christmas carols or gift exchanges being done in school, that kind of sets the kids up to being converted.

O'Reilly: Yeah, but you give gifts on Hanukkah, don't you?

Caller: No, there's not really a Jewish tradition of giving gifts on—

O'Reilly: Well, the seven candles [sic]; you get a gift for every night, don't you?

Caller: Actually, the Jews give gifts on—

O'Reilly: All right. Well, what I'm tellin' you, [caller], is I think you're takin' it too seriously. You have a predominantly Christian nation. You have a federal holiday based on the philosopher Jesus. And you don't wanna hear about it? Come on, [caller]—if you are really offended, you gotta go to Israel then. I mean, because we live in a country founded on Judeo—and that's your guys'—Christian—that's my guys'—philosophy. But overwhelmingly, America is Christian. And the holiday is a federal holiday honoring the philosopher Jesus. So, you don't wanna hear about it? Impossible.

And that is an affront to the majority. You know, the majority can be insulted, too. And that's what this anti-Christmas thing is all about.

— Compiled with assistance from Media Matters for America, www.mediamatters.org



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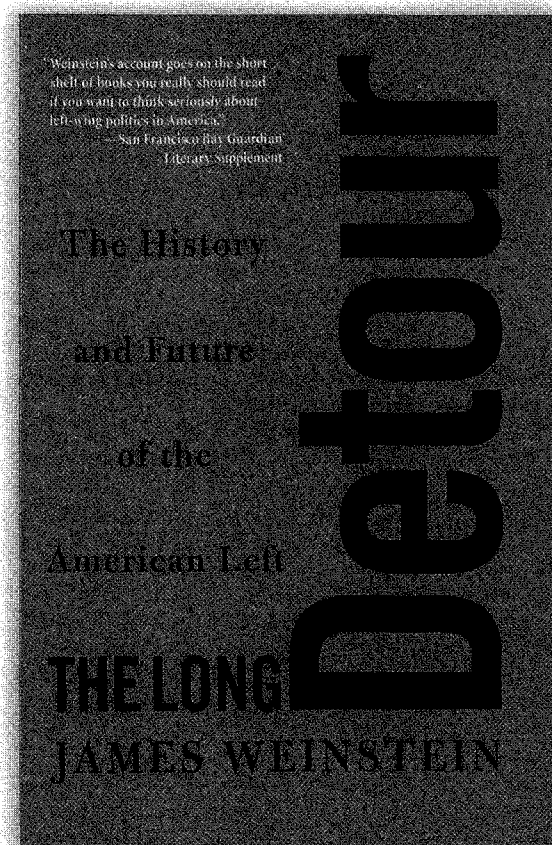
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Dispatches

"They put over \$200 million into trying to defeat Bush. Blowing away his top legislative priority would be a pretty good second best."

—PAGE 14

THE GOD SQUAD

What's the difference between a politically conservative Supreme Court and a Court dominated by religious conservatives? Read on.

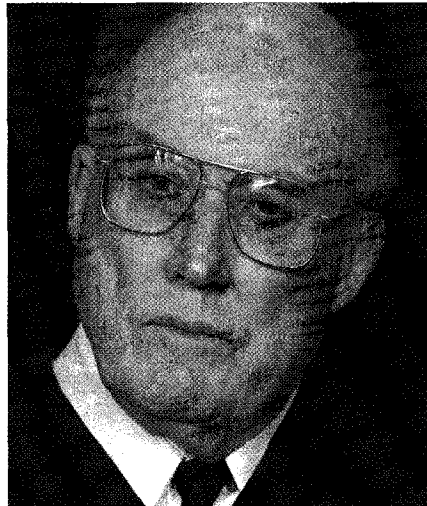
BY SUSAN JACOBY

LEADERS OF THE RELIGIOUS RIGHT are demanding a hard-line conservative Supreme Court as payback for their contribution to the re-election of President George W. Bush. Liberals, meanwhile, are seeking consolation in a roll call of justices, past and present, who have demonstrated the annoying independence fostered by elevation to a job with lifetime tenure. The list includes Earl Warren, Harry Blackmun, David Souter, and Sandra Day O'Connor, whose unpredictable swing votes on abortion cases are not exactly what Ronald Reagan had in mind when he chose her for the court in 1981.

The forlorn liberal hope is that Bush, who has promised to appoint only "strict constructionists," will repeat the scenario played out when Dwight Eisenhower described his appointment of Chief Justice Warren as the "biggest damn fool mistake I ever made." But there is no factual basis for this wishful thinking, because what Bush means by a strict constructionist—sometimes called an "originalist"—is not simply a judge who is a legal conservative but one who shares the president's and his core supporters' ultraconservative religious beliefs.

It is true that many justices have responded in unanticipated ways to issues that surfaced after they ascended to the high court. Warren's leadership in producing the unanimous 1954 school-desegregation decision (*Brown v. Board of Education*) and Blackmun's 1973 authorship of the majority opinion legalizing

abortion (*Roe v. Wade*) are prime examples. But if a judge interprets law as a manifestation of divine will rather than human intent, he is not morally or intellectually free to "grow" in office. What if Warren had believed, as many fundamentalists did at the time, that segregation was biblically



Off the Bench: William Rehnquist's impending retirement could alter the Court dramatically.

ordained by God, and that blacks were descended from the accursed "sons of Ham"?

Far-fetched? Not when you take a close look at the public statements of one of Bush's favorite Supreme Court justice, Antonin Scalia—a Reagan appointee touted by leaders of the Christian right as the ideal replacement for the ailing 80-year-old Chief Justice William Rehnquist—or when you scrutinize the religious convictions of the president's recent nominees for fed-

eral district and appellate judgeships.

In an extraordinary speech delivered at the University of Chicago Divinity School in 2002, Scalia mounted a pro-death-penalty argument based largely on his belief that all lawful governments derive their power from God—and because God has the power of life and death, so too must government. "Few doubted the morality of the death penalty in the age that believed in the divine right of kings," the justice intoned, as if that were relevant to a republic whose Founders deliberately omitted any mention of God from the Constitution and instead ceded civic authority to "We the People."

Scalia then turned to the favorite text of conservative politicians and theologians, Paul's Epistle to the Romans: "Let every soul be subject unto the higher powers . . . Whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation."

What made this speech extraordinary was not Scalia's constitutional case for capital punishment but his open reliance on faith as the underpinning of his legal philosophy. I consulted five prominent constitutional-law professors and none could recall any other speech in which a Supreme Court justice explicitly used religion as the rationale for a legal position. "If a judge is getting his legal directions from God and the Bible," says Norman Dorsen, Stokes Professor of Law at New York University and past president of the American Civil Liberties Union, "constitutional and legal arguments are then transformed into religious arguments. And how do you argue with a judge's concept of God?"

Scalia stands for the kind of fundamentalist religion (in his case, fundamentalist Catholicism) that Bush and the Christian right represent among Protestants. Indeed, Scalia is more Catholic than Pope John Paul II, who opposes the death

penalty because he believes that *only* God has dominion over life and death.

Bush's own appointees evince the same degree of religious extremism. James Leon Holmes, confirmed as a U.S. District Court judge by a spineless Senate last July, scoffed at church-state separation in a 2002 speech to the Society of Catholic Social Scientists. He asserted that "Christianity transcends the political order" and predicted that the "final reunion of Church and state will take place at the end of time, when Christ will claim definitive political power over all creation, inaugurating a new society based on the supernatural."

William Pryor, whom Bush appointed to the 11th U.S. Circuit Court of Appeals during last February's congressional recess in order to circumvent the Senate confirmation process, holds equally extreme views. (Pryor must be confirmed by the new Congress to keep his job permanently.) As Alabama's attorney general, Pryor was distinguished by his unremitting support for Judge Roy Moore's installation of a 2-ton Ten Commandments monument in the state courthouse. Pryor even used his state office to promote monument worship in other parts of the country. In a press release announcing the filing of an amicus curiae brief in an Indiana case, Pryor compared the removal of recently minted Ten Commandment displays from American public spaces to the Taliban's destruction of thousand-year-old Buddhist statues.

The injection of religious fanaticism into the judicial process has been confused and conflated with more traditional conservatism. Given Rehnquist's battle with thyroid cancer, it seems likely that he will step down soon and provide the first opportunity for Bush to place his personal stamp on the high court. Many commentators have mistakenly suggested that because Rehnquist is an archconservative on the limits of federal power, his replacement by Scalia—or anyone else who thinks in Scalia's theocratic terms—would make little difference to the court's deliberations.

But Rehnquist is a *legal* conservative, not a religious fundamentalist. Unlike Scalia and Clarence Thomas, Rehnquist does not trim his views on federalism whenever religion is involved. In a criti-

cal church-state-separation case decided last spring (*Locke v. Davey*), Rehnquist wrote the majority opinion upholding a Washington-state law that bars taxpayer-financed scholarships for the training of clergy. He observed that "from the founding of our country, there have been popular uprisings against procuring taxpayer funds to support church leaders, which was one of the hallmarks of 'established' religions." The only two dissenters were Scalia and Thomas, whose general support for states' rights was overridden by their eagerness to seize every opportunity to foster religious entanglement with government.

Many more church-state issues will make their way to the high court during the next four years. Reproductive-rights groups are likely to challenge a federal budget amendment overriding state laws that require health-care institutions to provide abortion services as a condition of receiving public funds. Under the new rule—muscle into an appropriations bill by conservative House Republicans giddy from the election results—health-care providers are no longer obliged to provide a referral to another institution even when a woman explicitly asks about abortion. Another issue that may come before the Court is the constitutionality of

taxpayer-financed, faith-based drug-rehabilitation and prison programs that engage in religious proselytizing.

Lawyers for conservative Christian groups have already indicated that they will ask the Supreme Court to revisit issues raised in the *Locke* case. Both the Catholic Church and the Protestant right want to overturn old state laws barring tax support for religious schools, because those statutes pose a powerful obstacle in 37 states to voucher programs for parents who want tax breaks to send their children to church-sponsored schools.

If Bush is able to replace three justices during his second term (a distinct actuarial possibility), the 7-to-2 *Locke* majority could dissolve into a 5-to-4 split in favor of turning the clock back not to the 1950s or the 1920s but to a time before there even *was* a United States of America. Yes, those were the good old days before our godless Constitution, when hardly anyone in the world thought there was anything wrong with the state subsidizing the word of God or with God's (self-appointed) spokesmen lending a divine legitimacy to the actions of earthly rulers. **TAP**

Susan Jacoby is the author of Freethinkers: A History of American Secularism.

THE BATTLE BEGINS

For decades, Social Security was called the "third rail" of American politics. Suddenly, privatization sounds like a done deal. Not so fast.

BY ROBERT KUTTNER

SOCIAL SECURITY IS THE MOST SUCCESSFUL program that tangibly delivers on the core philosophy of the Democratic Party—namely, that ordinary people depend on government for economic security that markets can't provide. Unlike recent token programs, Social Security delivers serious money, to the middle class and the working poor alike. Without Social Security, a third of America's seniors would be destitute.

Despite its broad popularity, however, Social Security could succumb to a Re-

publican privatization scheme as early as April. Yet this could also be the comeback battle in which Democrats recover both their souls and their political energy. They could hand George W. Bush a rare, humiliating defeat that breaks his winning streak and exposes Republican divisions.

Bush wants to divert part of the Social Security payroll tax to a new system of private retirement accounts. Privatization would be partial and optional. Individuals could still stick with traditional Social Security for all or part of their re-

tirement. The Republicans hope to scramble two entirely distinct issues: how to deal with a quite modest shortfall in the present Social Security system and whether substituting individual accounts is a good idea at all, shortfall or no.

The Bush scheme has huge defects. The basic Social Security benefit would have to drop by 25 percent to 50 percent after a transitional period, because payroll-tax receipts now pledged to Social Security payouts would shift to funding the new private accounts. Even people who did not choose private accounts would end up with far lower benefits than under present law.

With private accounts, you're in big trouble if you happen to reach retirement age when the market is down, or make bad investments, or live too long. Also, the current system is redistributive: Low-income workers get a higher percentage of their lifetime earnings when they retire than affluent retirees do. But with individual accounts, there's little redistribution except for a very meager minimum benefit, and hence more poverty in old age. Last, this shift would increase the public debt by about \$2 trillion—on top of deficits that every reputable economist considers already dangerously high.

So how can such a bad idea possibly win enactment?

The administration relies on a now-familiar formula for dubious legislation. For starters, grossly misrepresent the real effects. Then make sure the negative consequences don't kick in for years, preferably decades. Finally, torture parliamentary procedure and press skeptical Republicans to the wall. (See the three Bush tax cuts, the escalating deficit budget, and the bogus Medicare drug program.)

Privatization is advertised as allowing people to achieve better "returns" than under Social Security, by investing in stocks and bonds. Bush promises that people in or near retirement would still get all the benefits under the present formula. Younger people would get less, but would supposedly make up the difference, and more, from new private accounts. The White House message, characteristically, is deceptively simple. First, today's seniors are protected. Sec-

ond, you should control your own money. Third, even if the government ends up borrowing \$2 trillion to finance the transition, that's more fiscally responsible than the present system, which the White House claims has an \$11 trillion "unfunded liability." Though the White House doesn't advertise this part, its approach reduces the system's liability by shifting risks to individuals.

Note the clever interest-group politics. By promising to protect people over roughly age 60 from any change, Bush hopes to neutralize the most enthusiastic constituency for the current program. He also plays to both the fears and hopes of the young. People in their 20s and 30s are skeptical that Social Security will be there for them in any case, because all the Social Security bashing and hysterical projections about the system going

the old—and thus the Democrats' role as faithful stewards. During the Clinton era, when there was the prospect of expanding social insurance, Republicans fought to kill any universal health-insurance program, lest younger voters also get the idea that government could actually be useful.

AND YET THIS SIGNATURE BUSH PROPOSAL is vulnerable. Congressional Republicans are anxiously divided into three loose camps, waiting for Bush's actual bill. One group wants to do privatization with a measure of honesty, acknowledging the need for big benefit cuts or tax increases. This includes long-time privatizers such as Arizona Representative Jim Kolbe and key senators such as Budget Chairman Judd Gregg of New Hampshire. Bush's hasty announcement

Bush's pledge of no increase in payroll taxes was an attempt to neutralize the damage caused by Lindsey Graham, who had said, "We need to have everything on the table, including taxes."

bust have taken their toll. Polling shows that younger voters are dubious about any large institutions delivering for them—not employers, not government. The young feel they need to make provisions for themselves. So Bush offers Generations X, Y, and Z the option to take the money and run, to put some of their payroll-tax proceeds into accounts they control. Privatization also serves a heavily Republican constituency: Wall Street firms, which relish a new investment stream running into hundreds of billions every year, to fatten fees and perhaps pump up a precarious stock market.

Ideologically, Bush-style conservatives want everyone thinking individualistically, more like investors than citizens. Politically, if they can fragment the Democrats' most beloved social program, they can splinter the Democrats' voting coalition, undercutting both Social Security's present alliance between the poor and the middle class and its intergenerational compact between the young and

on December 9, pledging no increase in payroll taxes, was an attempt to neutralize the political damage caused by South Carolina Senator Lindsay Graham, who had told a reporter, "We need to have everything on the table, including taxes."

A second GOP camp, egged on by Grover Norquist and the anti-tax Club for Growth, hopes to delay benefit cuts (which would have to come eventually) and avoid any tax increases by relying entirely on additional borrowing. That course, however, unnerves fiscal conservatives such as Iowa's Charles Grassley, who chairs the Senate Finance Committee. So GOP legislators would either be voting for a wildly irresponsible increase in federal borrowing or politically unpopular cuts in benefits.

Given all these political risks, a third group, whose leader is Virginia Representative Tom Davis, isn't really keen on privatization at all. Davis, as head of the Republican Congressional Campaign Committee, is part of the House leader-

ship. He speaks for perhaps 30 skeptical rank-and-file House Republicans.

Some in the House leadership were hoping to add some form of privatization to the 2005 budget resolution. But well-placed sources now say that the White House won't be ready and doesn't want Social Security confused in the public mind with the tax cutting that will be in the budget. Bush could unveil a separate bill as early as March.

In the Senate, the filibuster rule allows just 41 senators to block legislation. However, if Democrats are down to relying on a filibuster to beat this idea, they are close to a defeat. The House Democratic leadership believes it needs to win over public opinion with a massive public-education campaign that makes privatization politically unpalatable for many Republicans to support, either because it is fiscally outrageous or because it contains needless benefit cuts (or both).

One irony is that Tom DeLay's redistricting caper got rid of the Republicans' best Democratic ally, Texas Representative Charles Stenholm, who co-sponsored (with Kolbe) an intellectually honest privatization bill. The Kolbe-Stenholm bill would have funded private accounts with steep benefit cuts in conventional Social Security, averaging about 50 percent by 2050. Tellingly, it attracted no other co-sponsors. So unlike in the case of Bush's tax cuts, very few Democratic legislators will be providing bipartisan cover to Republicans.

Another tactical question is whether Democrats need their own alternative bill, as many advocates and academics advise. John Rother, chief legislative tactician for AARP, says, "Our consumer research shows great cynicism on the part of young workers about whether Social Security will be there for them. They are susceptible to claims about privatization, if that is the only plan they see." It's not clear, however, that a technical fiscal fix, or even a Democratic bill for add-on private accounts, would provide that reassurance. The House leadership—Minority Leader Nancy Pelosi and ranking Ways and Means Committee Democrats Charles Rangel and Bob Matsui—is firmly united on one proposition: Demo-

cratic fire needs to focus entirely on the sheer badness of the Bush proposal.

But isn't it irresponsible for Democrats not to propose an alternative? Not in the present legislative and political context. Democrats don't control the government, they have no bargaining leverage, and Bush is not prepared to meet them halfway. If Democrats did offer a responsible plan of their own, it would distract attention from the Bush bill and draw fire for either cutting benefits or raising taxes.

Representative Dave Obey of Wisconsin has a bill, written with the help of former Social Security Commissioner Robert Ball, the program's grand old man. Obey would close the system's true shortfall, mostly by restoring estate taxes on very large estates, partly by shaving the cost-of-living adjustment. But some in the House leadership don't want Obey to even introduce the bill.

As one Democratic tactician observes, the time for Democrats to share the political pain for strengthening Social Security is when the White House gets serious about repairing the current system, not at a time when an ideological assault is masquerading as a fiscal fix. Both parties were able to broker a fiscal rescue in 1983, when a genuinely bipartisan commission, chaired by Alan Greenspan and featuring Democratic leaders Daniel Patrick Moynihan and Robert Ball, negotiated a package that raised the retirement age by two years and increased the payroll tax.

But these are more polarized times. For now, the challenge for opponents of privatization is to raise the visibility of the issue, starting with the widely misunderstood question of Social Security solvency. Much of the mainstream media has accepted an oversimplified story of drastic crisis. In fact, the Congressional Budget Office calculates that the system's 75-year shortfall is just half of 1 percent of the gross domestic product. Modest adjustments, like Obey's, could keep the present benefit system intact indefinitely.

At this writing, AARP, the AFL-CIO, Campaign for America's Future, and other advocacy groups such as the Center on Budget and Policy Priorities are gearing up for a massive organizing drive. AARP's Republican chief executive, Bill Novelli, delivered AARP support to the Bush Medicare bill. This in turn angered many on AARP's board. AARP's lay president, Marie Smith, an African American former Social Security official, is passionately anti-privatization, as is most of the board. AARP plans to put serious resources into this fight, according to Rother.

Likewise, the two largest liberal "527s," the Media Fund and America Coming Together, and their donors are casting about for a post-election role. "They put over \$200 million into trying to defeat Bush," says one activist. "Blowing away his top legislative priority would be a pretty good second best." **TAP**

A FAREWELL TO ARMITAGE

Colin Powell's departure has been much discussed. Less so has been his deputy's. But the latter may prove to be the more important move.

BY SPENCER ACKERMAN

WHEN COLIN POWELL ANNOUNCED his resignation as secretary of state on November 15, he didn't just take away the remaining vestiges of foreign-policy centrism from the Bush administration. He also eclipsed the departure of his deputy and best friend, Richard Armitage. With Powell out, hard-liners inside and outside of the

administration found themselves victorious, wrote Mike Allen of *The Washington Post*, because his departure "remov[ed] the administration's most forceful advocate for negotiations and multilateral engagement on such issues as Middle East peace and curbing nuclear activities in Iran and North Korea."

But Allen and the rest of the media

missed an important point: Powell may have been the moderate with the highest profile in George W. Bush's first term, but, to a considerable degree, it was Armitage who supplied the steel fist inside Powell's velvet glove—and that fist often swung at the administration's neoconservatives, holding a tenuous bureaucratic line against some of their grander designs. Michael Rubin, a former Middle East analyst in the Pentagon's policy directorate (an outpost of neoconservatism), paid tribute to Armitage's infighting skills in a September e-mail to friends in which he speculated that a prominent journalist "regularly reports Armitage's line in exchange for weekly backgrounders."

Armitage and Powell have enjoyed some outright victories, as in the mid-2002 India-Pakistan crisis, when their efforts—capped by an emergency trip Armitage took to the subcontinent in June—helped avert a war that could have gone nuclear. But more often, Armitage's influence was felt through his struggles to fight the neoconservatives to a draw. Typically, he mixed shrewd bureaucratic maneuvers with well-timed public statements to block a more radical course of action. "His absence is going to creep up on you," says a longtime Armitage ally. "You won't really notice it until you say, 'How'd we get to this point?'"

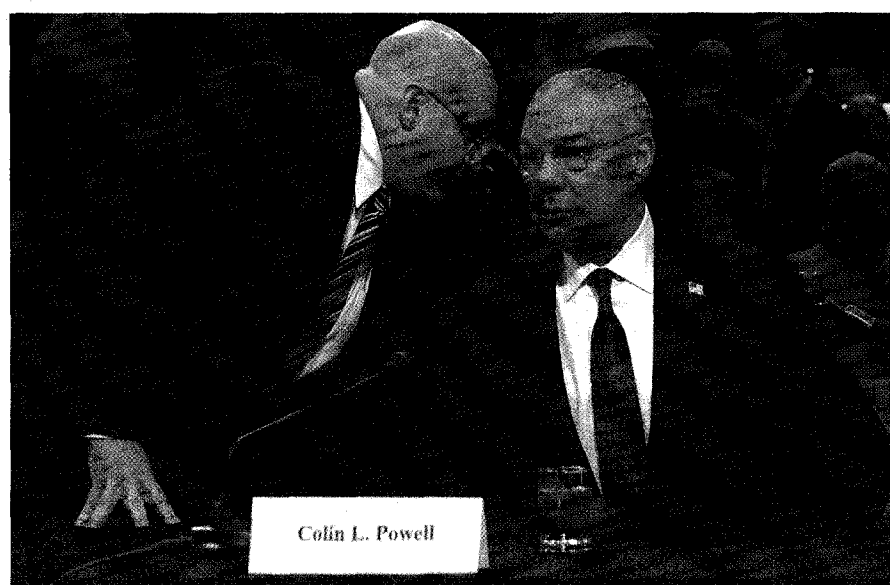
As a counterweight to administration hard-liners, Powell made perfect sense, having crafted a career—and a famous military doctrine—emphasizing the virtues of caution and consensus. Armitage is a more curious case. He was a signatory to the Project for the New American Century's 1998 letter urging President Clinton to make "removing Saddam Hussein and his regime from power ... the aim of American foreign policy." Fellow signatory Paul Wolfowitz, the foremost neoconservative intellectual and now Armitage's counterpart at the Defense Department, has worked cordially with Armitage for more than 20 years, ever since both crafted Asia policy for the Reagan administration. During Armitage's 2001 confirmation hearings, no less a hard-line eminence than Jesse Helms enthused, "You know what I like about you? Everything."

What Helms and other conservatives

might not have liked over the last four years is Armitage's seemingly visceral resistance to ideology. "I'm not going to attempt to try to label for you the architecture for the new world order and the new foreign-policy paradigm," he told the Senate during his confirmation testimony. "I can't do it." His discomfort with ideological crusades stems largely from his experience as a Navy officer in Vietnam. While Powell and other veterans came home embittered by the dishonesty that led the United States into the quagmire, Armitage was influenced more by the human suffering that followed the American departure: Ideo-

Los Angeles Times op-ed surveyed the competing factions within the administration and judged that Armitage had "divided loyalties."

In fact, on China, his loyalties have demonstrated themselves to be reliably anti-neocon. Hawks, especially inside the Pentagon, have attempted to nudge the United States away from the long-standing "one China" policy, which recognizes China's claim to Taiwan, and toward a more forthright backing of Taipei. In March 2002, the administration permitted the Taiwanese defense minister to meet with Wolfowitz at a Florida confer-



Colin's Good Angel: Richard Armitage (left) displayed a visceral resistance to ideology.

logical fervor had proven dangerous by its very fragility when the going got tough. As James Mann writes in *Rise of the Vulcans*, Armitage was so disgusted by the United States' eventual abandonment of South Vietnam that he remained in the country as a civilian adviser and dramatically guided a flotilla of 20,000 refugees to the Philippines after the May 1975 fall of Saigon. (His experiences with the war also helped create the loyalty that he brought to his relationship with Powell.)

So while Armitage's years in Vietnam bred in him a suspicion of ideology, it didn't breed in him a hostility to American power, which led some bewildered observers during the first few months of the Bush administration to consider him neither hawk nor dove. After the April 2001 Chinese spy-plane mini-crisis, a

ence—the highest-level U.S.-Taiwan defense contacts since 1979—over the furious protests of Beijing. Steps like these encouraged Taiwanese President Chen Shui-bian to issue his provocative August 2002 statement that there exists "one country on each side" of the Taiwan Strait. It was left to Armitage to pour cold water on the idea. He bluntly responded that month in Beijing that "the United States does not support Taiwan independence." When Chen made a brief visit to New York in October 2003, Armitage practically guaranteed that the Taiwanese president wouldn't be met by an envoy by placing a feathers-smoothing phone call instead. "This relationship [with China] is critical, and the inclination of the neocons is very anti-China," explains a former Armitage aide. "Taiwan is a tiny freaking island."

Armitage was again pitted against Vice President Dick Cheney and Undersecretary of State John Bolton, Cheney's ally at Foggy Bottom's arms-control directorate, over North Korea. The hawks' desire to destabilize the rule of dictator Kim Jong-Il led to a period of intense policy debate within the administration after the October 2002 revelations that the North had embarked upon a uranium-enrichment program to yield nuclear weapons. A panicked Roo Moo-hyun, the South Korean president, publicly warned in January 2003 that "some U.S. officials, who held considerable responsibility in the administration, talked about the possibility of attacking North Korea."

Armitage responded by fighting the regime-changers publicly. That month he flatly declared, "We have no hostile intentions toward North Korea, and we're not going to invade North Korea." When, that summer, a six-nation diplomatic parley was announced, Armitage said in Australia that "Mr. Bolton was not scheduled and will not be participating." "That was a punctuation point," says Ambassador

Jack Pritchard, who at the time was Bush's special envoy to Pyongyang. "Armitage reached out and thumped Bolton."

On the neocons' most important priority—the Iraq invasion—the picture is more complicated. "Rich Armitage was not an opponent of the war in Iraq," says one of his closest associates. "... But there were many times when he thought that [the Pentagon hawks] were nuts, and were not approaching this as adults." And at those times, he fought back. In January 2003 testimony to the Senate, Armitage publicly stated that on the question of the much-hyped aluminum tubes—and the subsequently debunked claim that they were part of an Iraqi nuclear-weapons program—"there's a difference of opinion in the intelligence community." (This was almost a week before Powell's infamous United Nations presentation, in which he told the world that the tubes were for nukes.) And as the United States faced increasing Iraqi resistance in summer 2003, Armitage pointedly endorsed a plan to create "a multinational force under UN leadership"

to lend legitimacy to the occupation—a statement, made without White House approval, that backed a policy Defense Secretary Donald Rumsfeld had already said was "not going to happen." The administration soon returned to the United Nations for a new Security Council mandate; as a Pentagon official told the *Post*, "Armitage's statement gave it traction."

Which isn't to say that Armitage was able to move Bush in an alternative, less ideological direction. "The key battles were lost," sighs an Armitage confidante. With a president vastly more comfortable with Cheney and Wolfowitz's approach to foreign policy, not every battle can be won—or even fully waged. But in such circumstances, there's something to be said for damage control. As Pritchard puts it, "Imagine how bad it could have been." With Armitage and Powell gone—and Bush turning the State Department and CIA into a hard-liner echo chamber—we may not have to. **TAP**

Spencer Ackerman is an associate editor at The New Republic.

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Sidney Hillman, founder and president of the Amalgamated Clothing Workers of America (a predecessor union of UNITE HERE)

New Year's Resolutions

BY ROBERT S. MCINTYRE

OVER THE NEXT FEW YEARS, WE'RE GOING TO FACE monumental tax and budget decisions. President Bush wants to privatize part of Social Security, make the tax code far less progressive, borrow many more trillions of dollars, and probably slash domestic programs. It's

crucial that people understand what's at stake as these issues unfold—and that means reporters need to do better than they have in the past. So here are my New Year's resolutions for journalists who cover fiscal issues—and what readers should demand of them.

1. Explain who wins and who loses. This ought to be a natural for journalists. It's what makes tax and budget stories interesting rather than boring. It's what gets stories on the front page and sells newspapers. For many years, Congress and the Treasury released reliable tables showing the effects of proposed tax changes by income group—to the chagrin of corporate lobbyists, right-wing think-tankers and other purveyors of bad policies. But since the Republicans took over the government, they've either perverted the tables or suppressed them entirely. Fortunately, outside groups like mine can still provide this essential information.

So when Bush proposes still more big tax cuts for the wealthy, don't let him get away with leaving out the bad news about the tax increases that will fall on everyone else. When he proposes borrowing trillions of dollars to implement private investment accounts for workers under age 55, let those workers, who may initially think that private accounts look attractive, know the downside. Not only is there a big risk of their investments doing poorly; future benefits will also be slashed and all that new debt, plus interest, will have to be paid for by, well, those same

workers. Not really that great a deal, when you think about it.

2. Tell us about legislation before it's enacted, not only afterward. Journalists are the public's link with current events, not historians. But sometimes they forget that. Last fall, for instance, Congress enacted a huge collection of new corporate tax breaks. Although there were a few good stories in some of the major papers about the bill as it progressed, most papers didn't cover it until after it was enacted—when it was too late for public unrest to have any influence.

3. Go for the jugular, not the capillary. After the corporate tax bill passed last October, I was deluged with calls from reporters wanting “dirt” on the bill's most trivial provisions. Sure, it was fun to mock Congress for giving Home Depot a tariff break on imported Chinese ceiling fans or for cutting the excise tax on bows and arrows. But too many journalists focused on items like these while ignoring the really important parts of the bill, such as its huge new tax incentives for companies to move money, and jobs, offshore. There's a real distinction between a few million dollars and hundreds of billions of dollars. Reporters need to bring that

difference home to their readers.

4. State the budget facts sensibly. Press coverage of the recently passed domestic appropriations bill called it the smallest “increase” since the mid-1990s. By any reasonable measure, however, that “1-percent increase” was actually a substantial reduction—because it doesn't take account of population and wage growth. The truth is that maintaining the status quo on outlays essentially means keeping them in step with the economy. Anything else is a cut.

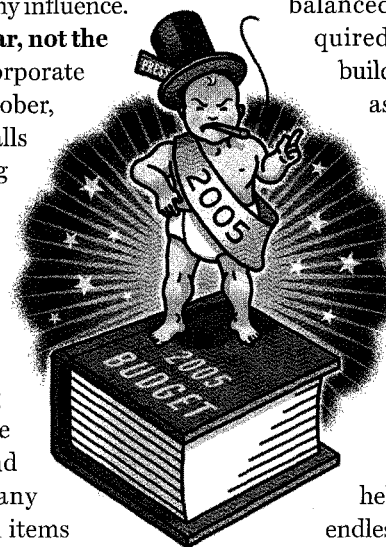
The IRS budget, for example, is slated to go “up” in fiscal 2005 by half a percent. Meanwhile, the number of tax returns will go up by about 1 percent and government wages will increase by 3.5 percent. Obviously that combination means that tax collection will suffer. Why not say so?

Remember those gigantic projected “surpluses” that George W. Bush supposedly inherited from Bill Clinton? They were nothing but a myth. To be sure, politicians of all stripes wanted the public to believe in those phony surpluses—the Democrats so they could propose new programs, the Republicans so they could cut taxes. But the truth is that when

Bush arrived, the budget was merely balanced. To say otherwise required counting the reserves building up in Social Security as available to pay for other government programs—spending them twice, you might say—and expecting huge real reductions in government services by assuming that appropriations would merely stay even with inflation. By failing to tell the public the truth, the press helped cause our new era of endless deficits.

These resolutions don't cover all of my pet peeves about how the press could do a lot better. But they're enough for one new year. **TAP**

Robert S. McIntyre is the director of Citizens for Tax Justice.



Mapquest.Dem

What's the matter with Massachusetts? The Democrats are far too dependent on it. Go Midwest, young man.

BY MICHAEL LIND

IS THE DEMOCRATIC PARTY BECOMING THE NEW England party? In 2004, the candidates who dominated the Democratic presidential primaries, beginning with the one in New Hampshire, were Howard Dean of Vermont and John Kerry of Massachusetts. In 2004, as in 1988, the Democrats nominated a liberal Massachusetts politician to run against a conservative member of the Bush family from Texas. And each time, the Texan won a majority of the popular vote as well as the electoral vote. This time, the senator from Massachusetts lost in part because the decision by the state's Supreme Judicial Court to legalize gay marriage galvanized socially conservative voters across the nation, who turned out to pass 11 state referenda against gay marriage.

Outside of selected cities, the core region of the Democratic Party is New England. The Democratic Party is also the minority party at all levels of government.

These two facts are not unrelated. Throughout American history, national parties too closely identified with New England have repeatedly been marginalized. This has been the fate of the Federalist Party, the Whig Party, and the old Republican Party at its nadir, between the 1930s and the 1960s. And it is the fate that threatens the Democratic Party today—unless it takes conscious and aggressive steps to constitute itself once again as a regionally diverse coalition of interests that can become a majority party.

IF YOU LOOK AT A LINGUISTIC ATLAS OF THE UNITED States, you'll notice something striking. The "Upper North" dialect zone identified by students of American speech patterns is almost identical to the blue-state zone on the Electoral College map: New England, the Great Lakes states, and the Pacific Northwest. This is "Greater New England"—the regions settled by New Englanders and their descendants from the 17th to the 19th centuries.

The culture of this vast expanse emanated from two areas of early settlement by English Puritans in the 17th century: the Massachusetts Bay Colony and the Connecticut River Valley. From here, the "Yankees" spread to all of New England and upstate New York. In the 19th century, settlers from these areas colonized the Great

Lakes region and the upper Midwest. In Indiana, Illinois, and Ohio, the Yankee settlers encountered southerners migrating northward; the resulting political diversity of those states has made several of them "swing" states for generations.

From the upper Midwest, some pioneers of Yankee stock migrated to the Pacific Northwest. New Englanders were so important in the fur trade in the Oregon Territory that the local Indians described all whites as "Bostons." In the 1840s, Yankee settlers colonized the Willamette Valley in northwest Oregon. A variant of New England culture left its imprint on the politics, folkways, and dialects of northern California, Oregon, Washington, and Idaho. On the West Coast, as in parts of the Midwest, the Yankee settlers were joined by Scandinavian and German immigrants with similar values.

Today, the political culture of Greater New England, like that of other U.S. regions, is shared by many Americans who are not descendants of the Puritan settlers. The historian Wilbur Zelinsky has observed that "the activities of a few hundred, or even a few score, initial colonizers can mean much more for the cultural geography of a place than the contributions of tens of thousands of new immigrants a few generations later." This is because newcomers, whether from abroad or other parts of the country, tend to assimilate the local regional culture. Geographic mobility reinforces political regionalism, as people move to communities with values like their own.

THE CONSTELLATION OF VALUES THAT HAS DEFINED Greater New England political culture for centuries includes reformism, intellectual elitism, and anti-militarism.

Reformism. New England and its demographic colonies in the Midwest and on the West Coast have been the seedbeds for most of the reform movements of American history. The pessimistic Calvinism of the original Puritans was transmuted, by the 19th century, into optimistic "postmillennialism," a version of Protestantism that held that human beings, by their own efforts, could produce the millennium of peace and harmony on earth that would precede the end of the world. Postmillennial Protestantism inspired the Social Gospel movement of the late-19th and early-20th centuries and was allied with the new dis-

cipline of American social science, many of whose founders were idealistic sons of northern Protestant pastors. By the 21st century, New England and the Pacific Northwest were the most secular parts of the country, but the reformist attitudes of the Social Gospel persisted.

In *The Frontier in American History*, Frederick Jackson Turner described how New Englanders brought their enthusiasm for reform with them when they migrated to other regions: "If we follow back the line of march of the Puritan farmer," Turner wrote, "we shall see how responsive he has always been to *isms* ... He is the Prohibitionist of Iowa and Wisconsin, crying out against German customs as an invasion of his traditional ideals. He is the Granger of Wisconsin, passing restrictive railroad legislation. He is the Abolitionist, the Anti-mason, the Millerite, the Woman Suffragist, the Spiritualist, the Mormon, of Western New York."

Today's liberal crusades against fast food and tobacco echo the temperance crusade that animated generations of Greater New England idealists. Some of the *isms* dear to Greater New Englanders have been indispensable—abolitionism, the civil-rights movement, and the campaigns for women's rights and gay rights. But Yankee crusaders have thrown themselves with equal zeal into campaigns for prohibition, nativism, and eugenics. From the 1840s to the 1920s, Greater New England was the heartland of anti-Catholic nativism. And Margaret Sanger, the patron saint of Planned Parenthood, explained that she and her allies "sought first to stop the multiplication of the unfit. This appeared the most important and greatest step toward race betterment." New England and its regional colonies have also provided the strongest support for independent parties, from the abolitionists of the pre-Civil War era to the Progressives of Theodore Roosevelt and the Green Party of Ralph Nader. The independent candidacies of Roosevelt in 1912 and Nader in 2000 produced the defeat of the major party most sympathetic to their views.

Intellectual elitism. Another legacy of Puritan political culture is intellectual elitism. The historian David Hackett Fischer describes the New England puritan ideal as "ordered freedom," which contrasts with the "hegemonic freedom" of the aristocratic Deep South and the "natural freedom" of the Scots-Irish of the southern upcountry. The Massachusetts Bay Colony was founded as a theocracy run by learned clerics. Surviving the secularization of Greater New England, the idea of government by an educated, public-spirited elite endures.

It is this ideal that explains the attraction of generations of Greater New England reformers to "good government" campaigns. The state constitutions of New England and its offshoots allow for far fewer elected officials and far more

appointed officials than the populist constitutions of the South and West. Greater New England progressives championed replacing the political-spoils system of patronage appointments with a merit-based civil service predicated on entrance exams. In the 1900s, progressives in the Yankee tradition from New England to California sought to minimize the power of legislatures by creating strong governors or city managers. They hoped that the device of initiative and referendum would permit corrupt legislatures to be bypassed in lawmaking.

The dark side of Greater New England elitism was displayed by the enthusiasm of progressives for the disfranchisement of immigrants in the North and blacks and poor whites in the South. Most of the arcane rules that make voting difficult in the United States date from the Progressive Era, when progressives and conservatives teamed up to discourage the less educated and less affluent from going to the polls. The rate of popular participation in elections plummeted in the Progressive Era and has never recovered.

As Greater New Englanders increasingly dominated the Democratic Party after the 1960s, liberalism began to reflect this preference for meritocratic elitism over the messiness of democracy. Whether they were campaigning to equalize school funding or to promote gay rights, liberal activists often preferred to engage in litigation to persuade federal and state judges to enact the reforms they sought, rather than engage in the frustrating and arduous process of converting first voters and then legislatures to their views and values. The enlightened, nonpartisan federal administrator (the ideal of early-20th-century progressives)

was replaced by the enlightened, nonpartisan federal judge (the ideal of late-20th-century liberals).

Anti-militarism. The Puritans rejected the military ethic, which they associated with aristocracy and royalism. New Englanders have always been underrepresented in the U.S. military, which has usually been dominated by southerners.

In every foreign war in American history, from the War of 1812 to the Iraq War, opposition has been concentrated in the states of Greater New England. The refusal of one of the most famous citizens of Massachusetts, Henry David Thoreau, to pay federal taxes because he opposed the Mexican War landed him in jail and inspired him to write *On Civil Disobedience*. The most consistent opponents of U.S. intervention in World War I and World War II were isolationists from states like Wisconsin, Nebraska, and Oregon. Contrary to popular mythology, many of the isolationists were progressives. Today's blue states correspond pretty closely to the historic American anti-interventionist belt.

This helps to explain why the Democratic Party became increasingly dovish after the 1960s. In the 1950s, when the Repub-



lican Party was still the party of New England, the Midwest, and the West Coast, Republicans like Robert A. Taft were more dovish than Democrats like Harry Truman and John F. Kennedy and Lyndon Johnson. As hawkish white southerners and anti-communist Catholics moved out of the Democratic Party, the doves of New England, the upper Midwest, and the Pacific Northwest moved in. Many of these voters had been progressive Republicans, and they brought their regional culture's antipathy to all things military with them.

By the 1970s, the southernization of the Republicans and the northernization of the Democrats had reversed the approach of the parties to foreign affairs. In the 1970s and 1980s, attitudes toward militarism, as well as votes on military appropriations and new weapons systems, reflected regional cultures, not political ideologies. Three out of four voters in Massachusetts supported the "nuclear freeze" movement in the 1980s, and the map of towns that declared themselves "nuclear-free zones" paralleled the 19th-century Yankee migration from New England to Oregon. A majority of Democrats in the House of Representatives voted against both the Gulf War and the Iraq War.

Post-Civil War Republicans artificially inflated their power by rapidly admitting underpopulated states (that's why there are two Dakotas, not one).

IT WAS ON THESE SHOALS THAT THE FIRST OF THE THREE parties that suffered from too heavy a reliance on New England crashed. The New England Federalists overwhelmingly opposed the War of 1812, which was launched by southern "war hawks." In December 1815, Federalists upset with the war met in Hartford, Connecticut. While some members flirted with the idea of the secession of New England from the United States, the Hartford Convention settled on proposals for constitutional amendments intended to check the power of the southerners who controlled Washington. Unfortunately for them, the war ended shortly thereafter, and the taint of treason destroyed the Federalist Party by 1820.

Following the collapse of the Federalists, two-party politics was replaced by the rivalry of factions in the dominant Republican Party, whose northern faction became known as the "National Republicans" while the southern faction was called the "Democratic Republicans."

In 1824, the House of Representatives installed John Quincy Adams of Massachusetts, a National Republican, as president, even though he lost the popular vote to Andrew Jackson. When President Adams proposed federal funding for observatories, Jacksonian political strategists ridiculed him, implying that this Yankee egghead took the phrase "lighthouses of the skies" literally. The voters ejected the intellectual from Massachusetts in favor of the popular southern general in 1828; Jackson was re-elected in 1832.

Opponents of Jackson organized the Whig Party in 1834. Al-

though the Whigs included the Kentucky Senator Henry Clay, their base was in New England, home to Senator Daniel Webster of Massachusetts. The Whigs won the presidency only when they overcame their northeastern associations by nominating two Virginia-born generals: William Henry Harrison, a hero of the War of 1812, which most New England Federalists had opposed, and Zachary Taylor, a hero of the Mexican War, which most New England Whigs had opposed. Even so, the historical pattern in which New England opposition to a foreign war helps doom the party associated with New England was followed once again. In the 1850s, divided by the question of slavery extension that arose in the aftermath of the Mexican War, the Whigs collapsed.

The ex-Whigs realized that they needed to win over Jacksonian populists in order to build a national majority. The nativist American Party, led by former Whigs like New York's Millard Fillmore, sought to lure populists opposed to Catholic immigration. The Republican Party, led by Abraham Lincoln and William Seward among others, appealed to white populists who wanted to reserve the western territories for white farmers by confining the slave plantation system to the South. The first purely regional Northern Party, the Republicans emerged from the chaotic election of 1860 with control of the White House. But they were able to wage the war to restore the Union only with the aid of northern Democrats. Lincoln, a midwestern moderate born in the South, was frequently denounced by radical New Englanders, whom Lincoln's aide and fellow Illinoisan John

Hay derided in private as "the Jacobins." Lincoln's law partner, William Herndon, wrote of Lincoln: "Abstractly, and from the standpoint of conscience, he abhorred slavery. But born in Kentucky ... it is not strange, I repeat, that he should fail to estimate properly the righteous indignation and unrestrained zeal of a Yankee Abolitionist."

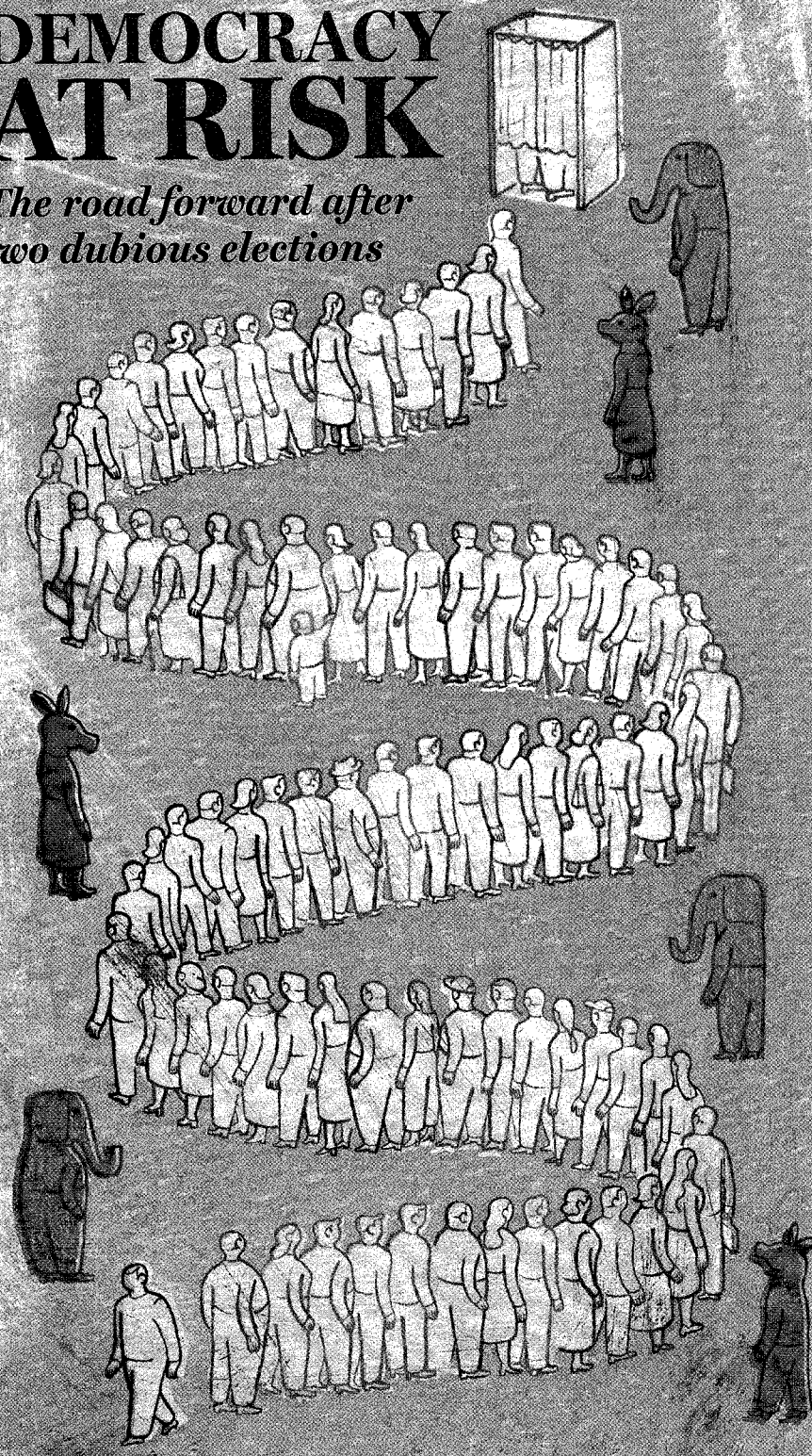
Following the Civil War, the Republicans faced the prospect of becoming a minority party as soon as southern votes were added again to the Democratic votes of the North. The attempt to enlist southern blacks and some poor whites in the South as electoral allies was defeated by southern violence and northern indifference during Reconstruction. However, the Republicans were able to artificially inflate their power in the Senate and the Electoral College by rapidly admitting underpopulated states in the West (that's why there are two Dakotas instead of one). In addition, the Republicans were careful to avoid being too closely identified with their New England wing. Throughout the period of Republican dominance, from Abraham Lincoln to Herbert Hoover, they tended to nominate candidates from the Midwest rather than New England.

Between Reconstruction and World War I, the irrepressible New England strain of moralism manifested itself in a series of Nader-like revolts by idealists against the mainstream Republican Party: the Liberal Republicans, the Mugwumps, and the Republican Progressives. By running for president on the Progressive Party ticket in 1912, Theodore Roosevelt split the

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DEMOCRACY AT RISK

The road forward after two dubious elections



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America Observed

Why foreign election observers would rate the United States near the bottom

BY ROBERT A. PASTOR

FEW NOTICED, BUT IN THE YEAR 2000, MEXICO and the United States traded places. After nearly two centuries of election fraud, Mexico's presidential election was praised universally by its political parties and international observers as free, fair, and professional. Four months later, after two centuries as a model democracy, the U.S. election was panned as an embarrassing fiasco, reeking with pregnant chads, purged registration lists, butterfly ballots, and a Supreme Court that preempted a recount.

Ashamed, the U.S. Congress in 2002 passed the Help America Vote Act (HAVA), our first federal legislation on election administration. But two years later, on November 2, more than 200,000 voters from all 50 states phoned the advocacy organization Common Cause with a plethora of complaints. The 2004 election was not as close as 2000, but it was no better—and, in some ways, worse. This was partly because the only two elements of HAVA implemented for 2004 were provisional ballots and ID requirements, and both created more problems than they solved. HAVA focused more on eliminating punch-card machines than on the central cause of the electoral problem, dysfunctional decentralization. Instead of a single election for president, 13,000 counties and municipalities conduct elections with different ballots, standards, and machines. This accounts for most of the problems.

On the eve of November's election, only one-third of the electorate, according to a *New York Times* poll, said that they had a lot of confidence that their votes would be counted properly, and 29 percent said they were very or somewhat concerned that they would encounter problems at the polls. This explains why 13 members of Congress asked the United Nations to send election observers. The deep suspicion that each party's operatives had of the other's motives reminded me of Nicaragua's polarized election in 1990, and of other poor nations holding their first free elections.

RANKING AMERICA'S ELECTIONS

The pro-democracy group Freedom House counts 117 electoral democracies in the world as of 2004. Many are new and fragile. The U.S. government has poured more money into helping

other countries become democracies than it has into its own election system. At least we've gotten our money's worth. By and large, elections are conducted better abroad than at home. Several teams of international observers—including one that I led—watched this U.S. election. Here is a summary of how the United States did in 10 different categories, and what we should do to raise our ranking.

1. Who's in Charge? Stalin is reported to have said that the secret to a successful election is not the voter but the vote counter. There are three models for administering elections. Canada, Spain, Afghanistan, and most emerging democracies have nonpartisan national election commissions. A second model is to have the political parties "share" responsibility. We use that model to supervise campaign finance (the Federal Election Commission), but that tends to lead either to stalemates or to collusions against the public's interest. The third, most primitive model is when the incumbent government puts itself in charge. Only 18 percent of the democracies do it this way, including the United States, which usually grants responsibility to a highly partisan secretary of state, like Katherine Harris (formerly) in Florida or Kenneth Blackwell in Ohio.

2. Registration and Identification of Voters. The United States registers about 55 percent of its eligible voters, as compared with more than 95 percent in Canada and Mexico. To ensure the accuracy of its list, Mexico conducted 36 audits between 1994 and 2000. In contrast, the United States has thousands of separate lists, many of which are wildly inaccurate. Provisional ballots were needed only because the lists are so bad. Under HAVA, all states by 2006 must create computer-based, interactive statewide lists—a major step forward that will work only if everyone agrees not to move out of state. That is why most democracies, including most of Europe, have nationwide lists and ask voters to identify themselves. Oddly, few U.S. states require proof of *citizenship*—which is, after all, what the election is supposed to be about. If ID cards threaten democracy, why does almost every democracy except us require them, and why are their elections conducted better than ours?

3. Poll Workers and Sites. Dedicated people work at our polling stations often for 14 hours on election day. Polling sites

are always overcrowded at the start of the day. McDonald's hires more workers for its lunchtime shifts, but a similar idea has not yet occurred to our election officials. Poll workers are exhausted by the time they begin the delicate task of counting the votes and making sure the total corresponds to the number who signed in, and, as a result, there are discrepancies. When I asked about the qualifications for selecting a poll worker, one county official told me, "We'll take anyone with a pulse." Mexico views the job as a civic responsibility like jury duty, and citizens are chosen randomly and trained. This encourages all citizens to learn and participate in the process.

4. Voting Technologies. Like any computers, electronic machines break down, and they lose votes. Canada does not have this problem because it uses paper ballots, still the most reliable technology. Brazil's electronic system has many safeguards and has gained the trust of its voters. If we use electronic machines, they need paper-verifiable ballots.

5. Uniform Standards for Ballots, Voting, Disputes. The Supreme Court called for equal protection of voters' rights, but to achieve this, standards need to be uniform. In America, each jurisdiction does it differently. Most countries don't have this problem because they have a single election commission and law to decide the validity of ballots.

6. Uncompetitive Districts. In 2004, only three incumbent members of Congress—outside of House Majority Leader Tom DeLay's gerrymandered state of Texas—were defeated. Even the Communist Party of China has difficulty winning as many elections. This is because state legislatures, using advanced computer technologies, can now draw district boundaries in a way that virtually guarantees safe seats. Canada has a nonpartisan system for drawing districts. This still favors incumbents, as 83 percent won in 2004, but that compares with 99 percent in the United States. Proportional representation systems are even more competitive.

7. Campaign Finance and Access to the Media. The United States spent little to conduct elections last November, but almost \$4 billion to promote and defeat candidates. More than \$1.6 billion was spent on TV ads in 2004. The Institute for Democracy and Electoral Assistance in Stockholm reported that 63 percent of democracies provided free access to the media, thus eliminating one of the major reasons for raising money. Most limit campaign contributions, as the United States does, but one-fourth also limit campaign expenditures, which the Supreme Court feared would undermine our democracy. In fact, the opposite is closer to the truth: Political equality *requires* building barriers between money and the ballot box.

8. Civic Education. During the 1990s, the federal government spent \$232 million on civic education abroad and none at home. As a result, 97 percent of South Africans said they had been affected by voter education. Only 6 percent of Americans, according to a Gallup Poll in 2000, knew the name of the speaker of the House, while 66 percent could identify the host

of *Who Wants to Be a Millionaire*? Almost every country in the world does a better job educating citizens on how to vote.

9. The Franchise. The Electoral College was a progressive innovation in the 18th century; today, it's mainly dictatorships like communist China that use an indirect system to choose their highest leader.

10. International Observers. We demand that all new democracies grant unhindered access to polling sites for international observers, but only one of our 50 states (Missouri) does that. The Organization for Security and Cooperation in Europe, a 55-state organization of which the United States is a member, was invited by Secretary of State Colin Powell to observe the U.S. elections, yet its representatives were permitted to visit only a few "designated sites." Any developing country that restricted observers to a few Potemkin polling sites as the United States did would be roundly condemned by the State Department and the world.

ON ALL 10 DIMENSIONS OF ELECTION ADMINISTRATION, the United States scores near the bottom of electoral democracies. There are three reasons for this. First, we have been sloppy and have not insisted that our voting machines be as free from error as our washing machines. We lack

McDonald's hires extra workers at lunchtime, but this has not yet occurred to our election officials. Poll workers are exhausted by the time they start counting votes.

a simple procedure most democracies have: a log book at each precinct to register every problem encountered during the day and to allow observers to witness and verify complaints.

Second, we lack uniform standards, and that is because we have devolved authority to the lowest, poorest level of government. It's time for states to retrieve their authority from the counties, and it's time for Congress to insist on national standards.

Third, we have stopped asking what we can learn from our democratic friends, and we have not accepted the rules we impose on others. This has communicated arrogance abroad and left our institutions weak.

The results can be seen most clearly in our bizarre approach to Iraq's election. Washington, you may recall, tried to export the Iowa-caucus model though it violates the first principle of free elections, a secret ballot. An Iraqi ayatollah rejected that and also insisted on the importance of direct elections (meaning no Electoral College). Should we be surprised that the Iraqi Election Commission chose to visit Mexico instead of the United States to learn how to conduct elections? **TAP**

Robert A. Pastor is director of the Center for Democracy and Election Management and a professor at American University. At the Carter Center from 1986–2000, he organized election-observation missions to about 30 countries, including the United States.

2004: A Report Card

The appearance of a disaster averted obscures
an election system that's still badly broken.

BY TOVA ANDREA WANG

Americans know the 2000 election was a fiasco. What they don't know is that the 2004 election, in many ways, might have been even worse. The purported margin of victory in November has led many to believe that the process went relatively smoothly. But the *appearance* of a smooth election obscured troubling developments, from simple human errors to likely felony violations of federal law. In addition to the ineptitude and faulty machinery that led to the problems of 2000 (both of which persisted), 2004 should be remembered as the year that a number of partisan election officials and party leaders usurped the process and manipulated the new federal voting law in ways that disenfranchised voters.

When Congress passed the Help America Vote Act (HAVA) in 2002, Americans rightly believed it represented a step forward in improving our broken voting process. We now realize that the combination of flaws and gaps in that law, plus a highly charged campaign season, led in many ways to *more* obstacles to voting. In fact, had the popular vote been closer in just one state, 2004 could have been a legal battle royal that would have made 2000 look like a court hearing for a traffic ticket.

At every step of the way, election officials in key states threw up unnecessary barriers to voting. Voter registration was made more difficult than ever. Officials misconstrued and abused identification and provisional-ballot rules. There were far too few voting machines in some places, leading to unacceptable wait times, and there were suspicious voting-machine "errors." And not surprisingly, given the atmosphere, there were numerous allegations of voter intimidation and vote suppression.

That is not to say that nothing in the system went right. But credit for what *did* go well goes mostly to the voters themselves, and to volunteer lawyers, monitors, and poll workers.

VOTER REGISTRATION

Long before 2004, the process of voter registration was unnecessarily onerous in this country. It was made an even bigger barrier to participation this time, with election officials using various technicalities to keep people off the rolls.

For example, HAVA required that mail-in voter-registration

forms include a check-off box verifying that the voter is a U.S. citizen. It required states to notify voters who failed to "answer the [citizenship] question" and provide them with an opportunity to correct the form prior to the next federal election.

Under existing federal statute (the "Motor Voter" law), registration forms already include language above the signature line requiring the applicant to affirm his or her citizenship, making the new citizenship box redundant. Nonetheless, some election officials last year decided to reject the applications of thousands of people who signed the affirmation but failed to check the citizenship box. To complicate matters, they insisted that registrants correct their forms before the original voter-registration deadline—a month before the election. As a result of this double-barreled mandate in Florida, for example, thousands of registrations were rejected and those voters were disenfranchised. It should surprise few readers to learn that the burden fell heavily on minority voters. In Miami-Dade County, for instance, 35 percent of the applications rejected as incomplete came from African Americans, who comprise 20 percent of the county's population.

Other technicalities were invoked to disqualify voter-registration forms. Most notorious was a directive (since rescinded) from Ohio's secretary of state that all voter-registration forms be on 80-pound paper stock, because lightweight cards could be shredded by postal equipment. This meant that if someone downloaded an application from the Ohio Board of Elections' Web site and submitted it, that registration may have been rejected.

VOTER IDENTIFICATION

HAVA states that beginning in 2003, first-time voters who register by mail must present identification (a current and valid photo ID, utility bill, bank statement, or government document with name and address) when registering or voting. Advocates of such measures argue that they are necessary to prevent fraud, though there is no evidence that such election fraud is a serious problem. Indeed, voting experts agree that the real problem in America is that *far too few* of us vote, not too many.

Civil-rights advocates, meanwhile, predicted that the new requirement would chill the exercise of voting rights and would especially burden minorities, the disabled, young people, and the poor, who too often lack driver's licenses or other forms of identification the law requires. A Latino family I met while doing nonpartisan get-out-the-vote work in Pennsylvania was a case in point: Although family members had received valid voter-registration cards, they were still afraid to vote because they had no other ID and all their household bills came in the name of another family member.

Sadly, some state legislatures saw this new HAVA provision as a great opportunity to go even further. As a result, 17 states now have laws that require *all* voters—not just new ones—to show identification at the polls. And four of those states require *photo* identification, according to electionline.org.

Troubling anecdotal evidence suggests that these new requirements have indeed led to some being denied the right to vote; lacking ID, they were either wrongfully turned away or forced to cast provisional ballots that may or may not have been counted. Several reports of abuse during the presidential primary elections foreshadowed the problem. In South Dakota, for example, primary voters at heavily Native American polling sites were turned away because they lacked photo identification. And during Ohio's primary, the NAACP and other voting-rights groups received numerous complaints from African American voters in Cleveland who said that they were wrongfully asked for ID.

Similar grievances arose in the general election. In New York City, for instance, some Asian American voters were "subjected to racial profiling at the polls, since they were routinely asked for identification in order to establish their eligibility to vote, even when it was not required," reported Margaret Fung, head of the Asian American Legal Defense and Education Fund. As a *New York Times* editorial put it on November 4, "Voter identification requirements were arbitrarily, and often incorrectly, enforced." All of the organizations running voter hotlines received complaints about ID enforcement.

AS WITH EVERY OTHER ASPECT OF THE PROCESS, Election officials aggravated the possible disenfranchising effects of the law. In Ohio, officials decreed that if a first-time voter who registered by mail lacked identification when he or she showed up to vote and cast a paper provisional ballot, the ballot wouldn't count—unless he or she somehow produced ID by the end of election day. HAVA states that provisional ballots are to be verified and counted after the election according to state

law, which in Ohio does not require identification. A month before the election, the League of Women Voters and others challenged Ohio's directive in court—and lost. Elsewhere, according to Demos, a research and advocacy group, two states refused to give provisional ballots to voters who could not provide ID, and 10 others gave such voters provisional ballots but automatically threw them out if the voter could not present identification by the end of election day.

PROVISIONAL BALLOTS

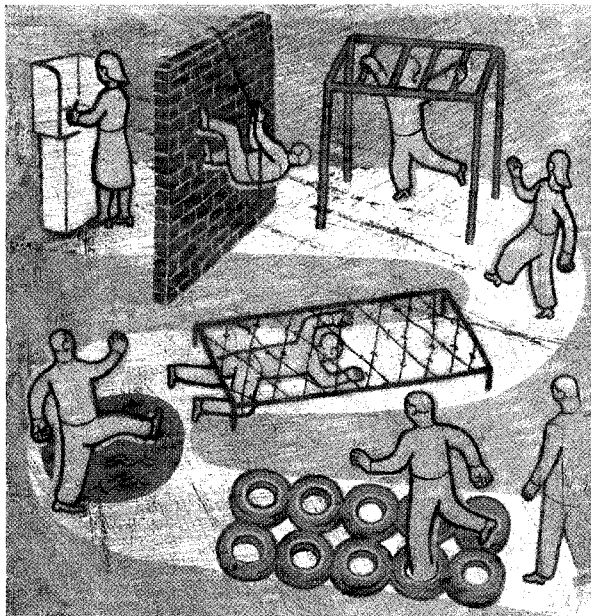
The 2002 election reforms under HAVA included an important new protection: the right of a voter who was not on the registration list to cast a provisional ballot that would be counted once election officials could confirm its validity. This fail-safe measure was designed to avoid a repeat of the terrible scenes of 2000, in which many eligible voters were turned out of polling sites because their names did not appear on the rolls.

Specifically under HAVA, the right to cast a provisional ballot and to have it counted depends on being a registered voter in the *jurisdiction*. As defined by the National Voter Registration Act, jurisdiction means the geographic area responsible for voter registration (usually the county), and not the precinct or polling site. Sadly, that's not how many state officials interpreted the new rules, and in this area they misused their powers to great effect. Several state election officers ordered counties to reject provisional ballots cast in the wrong polling place. According to electionline.org, 28 states threw

out provisional votes cast in the wrong precinct—even with respect to selection of candidates for statewide offices such as governor or U.S. senator. And only 17 states counted partial ballots cast by voters in the wrong precinct.

In Ohio, Missouri, Colorado, Michigan, and Florida, Democrats and voting-rights organizations challenged these directives in court. In many cases, the U.S. Department of Justice took the unusual step of intervening and telling the judges that provisional ballots cast in the wrong place should not count for any office, leading the chairman of the Michigan Democratic Party to say, "The Department of Justice's eleventh-hour request reeks of partisan mischief and is an abuse of our justice system." After several rounds of litigation, the courts rebuffed the challenges and upheld the directives in every one of these states.

There are many legitimate reasons why a voter might appear in the wrong polling location, especially in an election like 2004 with its millions of first-time voters. Voters who have moved recently may show up at their old site, polling locations change



and voters aren't notified, or a voter's registration is filed in the wrong place through administrative error. Moreover, it's not as if provisional ballots are sorted and counted at the precinct; that happens at the board of elections.

Nonetheless, many election officials were successful in their mission. For example, according to the *Palm Beach Post*, the vast majority of provisional ballots cast in Florida were disqualified, many because the voter was at the wrong polling site. In the Cleveland area, one-third of the provisional ballots were invalidated in 2004, compared with only 17 percent in 2000. And in that decisive state, fully 155,000 provisional ballots were cast last November. We can only wonder how many of those weren't counted because they were cast in the wrong place. Multiply that across 50 states and the number of votes cast provisionally and tossed out might have been enormous.

VOTING MACHINES

Although worries about the security and accuracy of electronic voting machines were the focus of pre-election anxiety, the biggest machine problem on election day ended up being simply the *number* of machines employed. Although they knew to expect extraordinarily high turnout, election officials in many jurisdictions nationwide failed to supply adequate numbers of voting machines, leading to lines and wait times that were not just unacceptably high; they were possibly an unconstitutional denial of voting rights.

In many places, voters had to wait in line for five, six, or even 10 hours. Observing early voting in a Broward County, Florida, shopping mall, I encountered numerous voters, some elderly, who had waited six hours to vote. Those I talked to were undeterred, but who knows how many others gave up and went home?

As closing time approached on election day in Ohio, a federal judge ruled that the continuing long waits were an abridgement of the right to vote and ordered paper ballots distributed to voters still in line. The judge said, "Participation in this democracy should not be as onerous as it is being made today." According to *The Columbus Dispatch*, thousands of voters remained in line when the polls closed at 7:30 p.m.

The worst of it evidently was on the campus of Kenyon College, where there were only two voting machines, and at least one student reportedly waited 10 hours—until 2 a.m.—to vote. When the federal-court ruling came down, the students demanded to vote on the machines, chanting, "No paper!" Educated as they were, they feared that paper ballots would not be counted. "The students understood right away that this was a partisan effort to suppress voting," said Lincoln Mitchell, an election observer.

Notably, the distribution of voting machines within states and even within counties varied widely. Huge disparities in the number of voting machines per capita might even present an equal-protection problem under *Bush v. Gore*, the Supreme Court's final verdict on the 2000 election. The Court there said that equal protection applies not only to who is allowed to vote but also to the *manner* in which people vote.

According to Ned Foley of the Moritz College of Law at the Ohio State University, "This principle would seem easily to cover voting-machine disparities that have the effect of imposing differential barriers to the voting booths for citizens in different parts of the state."

In the months leading up to the 2004 election, computer scientists, politicians, and concerned citizens warned that new computer voting machines might be vulnerable to hacking, manipulation, or malfunctions. Many called for a voter-verifiable paper trail allowing voters to double-check their computer vote and election officials to manually audit them. But only Nevada managed to implement this technology in time, and just two states have vowed to require a verifiable paper trail by 2006.

The security and effectiveness of the computer machines remains a huge question mark—and a source of furious speculation on the Internet in the election aftermath. Unquestionably there were mechanical problems on election day, including allegations of voters' choices being switched by the computer. In one such case, nearly 4,000 computer votes in suburban Columbus, Ohio, were mistakenly given to President Bush.

Meanwhile, pervasive mistrust of the computer systems caused another problem: States and localities that had planned to get rid of the notoriously unreliable punch-card machines stopped in their tracks, leaving tens of millions of voters dependent on them yet again in 2004. Of the 93,000 votes lost by machines in Ohio last November, 76,000 were from punch-card machines, according to *The Columbus Dispatch*. It remains a national outrage that different voters, depending on where they live, use different voting machines of widely varying accuracy and efficacy. It is not just a fairness question; it is now, in light of the *Bush v. Gore* ruling, a potential constitutional question.

VOTE SUPPRESSION

As Steve Carbo details in this report, cynical efforts to block certain groups from voting—through manipulation of rules and less subtle means—re-emerged in this election. One tactic was the aggressive use of previously obscure rules allowing for "challenges" of a person's right to vote. In Ohio, GOP officials got an early start, preemptively challenging 35,000-plus new registrants—in mainly Democratic and minority communities—solely on the grounds that a postcard mailed to them was returned as undeliverable. Challenged registrants were required just days before the election to attend a hearing and to prove their eligibility. This went on in some areas until the courts put a stop to it.

The Ohio GOP also announced that it would hire people to go to the polls on election day to challenge the rights of pre-selected registrants to vote. Technically, a voter can only be challenged on specific grounds such as age or citizenship. Knowing this, partisan officials surely had an additional motive: tying up the lines to make wait times unmanageable for many working people. The plan set off a rush of last-minute

lawsuits, conflicting rulings and appeals, leading to great uncertainty about what would happen on election day. In one case the plaintiffs called Ohio's law a "Jim Crow-era statute" being used to disenfranchise African American voters again. The Justice Department intervened, telling the court in one case that challengers *should* be allowed. While the district-court judges said that the challenges were unconstitutional—one saying that they were meant to intimidate black voters—a federal appeals court ultimately ruled the challenges lawful. The Democrats made plans to post their own people at the polling sites to challenge the challengers.

In other key battleground states, Republican officials pursued similar plans, filing challenges or deploying challengers. In Florida, the GOP developed a database of thousands of voters it wanted to challenge on election day. And in Wisconsin, Republicans tried to challenge thousands of registrants—but only in heavily Democratic Milwaukee. While party officials claimed that this new level of scrutiny was needed to thwart possible fraud, at least one Republican strategist was more candid after election day, telling *The New York Times* that the challenges were "a big head fake," a way to distract Democrats from getting out the vote at the crucial last hours.

Another way in which partisan officials sought to suppress legitimate votes was through felon "purge lists." In most states, felons are not allowed to vote, and even after they have fully served their time, many states make it prohibitively difficult to regain voting rights. Florida officials, charged with gross malfeasance in this area in 2000, were forced to withdraw their list when media investigations revealed that, as in 2000, the list included thousands of eligible voters. The list of "ineligible" voters provided by the state would have disqualified 22,000 African Americans (likely Democrats) and only 61 Hispanics (likely Republicans).

In Nevada, a private canvassing company funded by the Republican National Committee had its employees rip up and discard forms filled out by Democrats—a potential crime. In Milwaukee, a flier purportedly from the "Milwaukee Black Voters League" was distributed in African American neighborhoods. It read, in part:

SOME WARNINGS FOR ELECTION TIME

IF YOU'VE ALREADY VOTED IN ANY ELECTION THIS YEAR YOU CAN'T VOTE IN THE PRESIDENTIAL ELECTION.

IF YOU [OR ANYBODY IN YOUR FAMILY] HAVE EVER BEEN FOUND GUILTY OF ANYTHING, EVEN A TRAFFIC VIOLATION, YOU CAN'T VOTE IN THE PRESIDENTIAL ELECTION.

... IF YOU VIOLATE ANY OF THESE LAWS YOU CAN GET TEN YEARS IN PRISON AND YOUR CHILDREN WILL BE TAKEN AWAY FROM YOU.

According to local media reports, Pennsylvania officials received calls regarding leaflets on "official" county letterhead distributed in a Pittsburgh mall. The leaflets said that "due to immense voter turnout expected Tuesday," Republicans should vote on Tuesday, November 2, and Democrats should

vote on Wednesday, November 3. And in Lake County, Ohio, some voters received an "Urgent Advisory" on fake Board of Elections letterhead warning that any voter registered through the Kerry campaign, America Coming Together, or the NAACP could not vote.

WHAT NOW?

In 2006, two of the most important HAVA mandates will go into effect: technological and accessibility standards that voting machines must meet and a requirement that every state have a computerized, interactive, statewide voter-registration database. Both measures can potentially solve some of the problems we saw last year.

For their part, states will hopefully use this as an opportunity to carefully find the best machines and deploy them statewide. And the statewide registration databases should help them avoid further incidents of alleged fraud, felon purge lists, and the disputes over counting provisional ballots. What's more, over the next several months, the agency created by HAVA to oversee implementation and funding of election reform, the Election Assistance Commission, should finally get

Challenged registrants were required just days before the election to attend a hearing and to prove their eligibility.

This went on in some areas until the courts put a stop to it.

the money it needs from Congress to actually function and give meaningful guidance.

But as Miles S. Rapoport details in this edition of the *Prospect*, there is much more the federal government must do, too. Voter registration should be made easier, not harder. Provisional voting rules must be clarified. Voter-identification requirements must not serve to disenfranchise. Congress must ensure that the felon purge lists are not abused. Electronic voting machines must incorporate technology that allows for independent audits and individualized voter verification, and we must insist on greater transparency on the part of machine manufacturers and in the testing system. Federal funding to ensure that our democracy functions fairly and effectively should be ensured in advance and not subject to the vicissitudes of annual appropriation, as it is today. And, very importantly, the system cries out for some sort of nonpartisan governance of election administration. This alone would go far to restore the public's faith in our treasured democracy and to reduce manipulation of the process for political ends.

Americans cannot go through this crisis of confidence in the election system every four years. Voters have done their part. Now it is time for our "elected" leaders to do theirs. **TAP**

Tova Andrea Wang is a Democracy Fellow at The Century Foundation in New York and was a staff member of the National Commission on Federal Election Reform, co-chaired by former Presidents Gerald Ford and Jimmy Carter.

The Democracy We Deserve

There's reason to be optimistic about the prospects for reform. Here's why.

BY MILES S. RAPOPORT

THE 2004 ELECTION CONFOUNDED THOSE WHO have blamed the flaws in our democracy on apathetic voters, apolitical young people, and a generalized culture of disengagement. More than 120 million citizens cast ballots, a turnout of 60 percent of eligible voters. When something important is at stake, voters will brave barriers.

Unfortunately, the large turnout took place *despite* our election procedures. If the 2000 debacle in Florida showed that we had to modernize the machines used for voting and improve the shoddy list management used to qualify voters, the 2004 elections have given us a new set of procedural reforms necessary for us to have confidence in our election administration. The chaotic, crazy-quilt election administration, run all too often by people with a partisan bent, is a national embarrassment. In the end, we need to summon the national resources and the national will to create and enforce national standards for national elections. In addition to the litany of concrete reforms recounted in Tova Wang's excellent companion article, we need to address a larger unfulfilled agenda aimed at encouraging every eligible American to vote and creating a democracy where citizens have real choices and a real voice in determining our future.

ELIMINATING REGISTRATION BARRIERS

Voter registration mainly functions as a needless barrier to participation. There are several key steps we can take to make registration more accessible, if not automatic.

Full Implementation of the National Voter Registration Act (NVRA) of 1993. The NVRA had three major elements. The first, which gave the law its common name of "Motor Voter," requires states to allow people to register when they get driver's licenses. The second authorizes mail-in voter registration. The third, the least widely known but the strongest impetus for the law in the first place, requires state agencies providing human services to register voters and give citizens assistance. While the motor-voter and mail-in parts of the law have generally been well utilized, the social-service component has not. The most recent Federal Election Commission

studies show that the number of voters registered at social-service agencies is very low compared with driver's license offices. Simple changes in procedure at offices offering food stamps, welfare, Medicaid, or disability benefits, whether state agencies or privatized service providers, could help millions of people register over the next four years.

Election-Day Registration. In 2004, participation rates in the six states that already have election-day registration were an astonishing 14.1-percent higher than states without it. The top four states in voting turnout—Minnesota, Maine, Wisconsin, and New Hampshire, in that order—all have election-day registration. By definition, provisional ballots are virtually unnecessary in such states. Compliance with the HAVA mandate of a well-maintained statewide computerized database, required nationwide by 2006, would make election-day registration even easier.

Automatic Registration. The requirement that citizens register before voting goes back in the South to Reconstruction days, and in the North to the era of mass immigration a century ago. The intent was to discourage voting; ours should be to encourage it. Voting need not be a two-step process whose burden falls on the individual citizen. In many European countries, citizens are automatically registered to vote when they turn 18. Thinking long term, a system that makes registration automatic without creating an intrusive and intimidating national-identity structure ought to be an achievable goal.

MAKING VOTING CONVENIENT

In addition to making it complicated to register, our system discourages the act of voting. The hours-long lines for voting in Ohio, Florida, and elsewhere are *prima facie* evidence. We have a quaint myth that it is a wonderful "civic exercise" to have one day (and a working Tuesday at that) where everyone goes to the polls. But the reality is democratic in form but undemocratic in content. Who remembers with any nostalgia racing to the bank on Friday afternoon and waiting in line for two hours to get cash for the weekend? And what if your employer won't give you several hours off during the day? The real civic exercise is exercising the right to vote, and we

ought to make that act as accessible as possible.

Early Voting. In 30 states this year, voting began well before election day. Several states enacted early voting as part of their HAVA implementation plans, and millions of people took advantage of this option. One reason why Florida was not even more chaotic on election day was that 2.3 million people had already voted, about 30 percent of the total votes cast.

Mail-In Balloting. If people know how they want to cast their ballot, why shouldn't they be able to do so from home, a privilege already extended everywhere to the elderly, people who are ill, and American citizens overseas? Oregon has taken mail-in balloting even further by automatically sending mail-in ballots to all registered voters, but it has unfortunately gone one step too far by eliminating precinct-based voting on election day. A combination of mail-in balloting, early voting, and the opportunity to register and vote at local polling places on election day itself would maximize participation.

An Election-Day Holiday. Recommended by the Carter-Ford Commission after 2000, an election-day holiday would not just increase turnout; it would allow people to serve as poll workers for the day, educate their children, and get more involved generally. It is a holiday now for some unionized workers such as United Auto Workers members. Why not for all of us?

ELIMINATING UNFAIR EXCLUSIONS

The principal reason for the decline in voting percentages between 1980 and 2000 (voting declined in every one of those elections except 1992) was the elimination from eligibility of an ever-greater percentage of adults. The number of citizens barred from voting because of a prior felony conviction increased from roughly 1 million in 1980 to 4.6 million in 2000. In addition, the number of foreign-born noncitizens is now 17.5 million, the highest number since 1920.

Restoration of Voting Rights. Substantial strides have actually been made in mitigating the harsh exclusionary policies for people with felony convictions, an issue with significant racial and partisan overtones. Since the 1999 report of The Sentencing Project documented the magnitude of the issue, and especially since the permanent exclusion of more than 600,000 people in Florida arguably made the difference in the 2000 election, this issue has gotten more attention. Ten states have made more people eligible for restoration of their voting rights, from minor improvements in administrative processes in Virginia and Florida to changes in the law to allow people on probation to register and vote in Connecticut. But absent more fundamental reforms, the number of excluded could go

higher than its current appalling peak of 4.7 million, including 30 percent of African American men in Florida, Alabama, and other states. We need many more legislative and administrative changes as well as federal supervision of purge lists, which have been abused in Florida and elsewhere. We need strong public-education campaigns to ensure that people know when their voting eligibility is restored.

New Americans. Large numbers of legal immigrants to this country still wait for extended periods to become citizens. If the naturalization process were more efficient, many people ready for citizenship would become voters. In addition, we should consider some forms of voting representation for people who are not yet citizens. Many European countries permit dual citizenship. We exclude large numbers of long-standing residents from participating in the decisions that affect them and their children, even as they pay taxes and serve in the U.S.

Army. Several localities already allow voting rights to noncitizens, which is constitutionally permissible, for school-board and other local elections.

Taxation Without Representation. No listing of exclusions from our democracy would be complete without remembering that the citizens of Washington, D.C., have no voting representation in Congress. This is an exclusion with no justification save pure partisan and racial politics, disenfranchising citizens whose only crime is their home city.

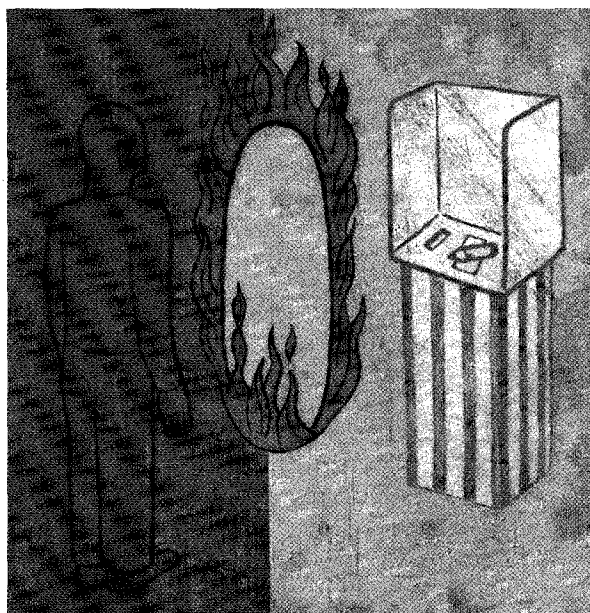
REAL VOICE, REAL CHOICE

Our democracy has become rigged in many respects, so that

even when votes are counted, in all too many cases they do not meaningfully count. Even though the country is narrowly divided, few citizens can hope to affect their members of Congress because of noncompetitive races, limited candidate choices, and the overarching influence of private money.

Redistricting. Congressional districting has become a devil's bargain of incumbent protection by Republicans and Democrats alike. In the House of Representatives, only 30 seats nationally were considered competitive this year. In California in 2002, not one of the 53 congressional seats up for re-election was seriously contested. Tom DeLay's new and disgraceful precedent of redistricting midstream the minute a legislature is fully controlled by one party has given gerrymandering a cynical partisan tilt. Redistricting should be done by an independent commission, so that districts are drawn by logic and numbers and not by partisan desire and incumbent protection.

Getting on the Ballot. Access rules are often barriers to candidates, thus limiting choices voters might otherwise have. In many states, requirements are overly stringent and the



FERRUCCIO SARDELLA

conditions for qualifying as a political party are even more daunting. In the states that allow "fusion," or the cross-endorsement of candidates by more than one party, a minor party can grow and encourage people to join without automatically splintering votes from major-party candidates. Instant-runoff voting, which had a successful trial this fall in San Francisco, is another way that candidates can compete and people can choose to vote for them without creating "spoiler" situations.

MOVING FORWARD, IN CONGRESS AND THE STATES

For the second election in a row, procedural issues were a critical part of the debate and the drama. Despite the national sigh of relief that a second consecutive meltdown did not occur, we came far too close. If the Republicans had put into full operation their plans to systematically challenge black voters, there could have been chaos at the polls and endless litigation. If places with unauditable electronic machines had been razor close, the legitimacy of the results would have been far more in doubt. If it hadn't rained in Ohio, the provisional ballots would have determined the election after three weeks of hand-to-hand combat over the count, which in turn would have invited challenges in other states as well.

Significant debates will take place in Congress. The bill for a voter-verified paper trail for all electronic machines, as urged by Congressman Rush Holt of New Jersey, will resurface. Key sections of the Voting Rights Act of 1965 will come up for reauthorization in 2007. The civil-rights community is well aware of how critical the Voting Rights Act protections can be. Conversely, many politicians in the Deep South and beyond hope to weaken the federal monitoring role.

HAVA must be revisited and amended. In essence, Congress did not address the larger problem of the decentralized nature of our entire election system. By design, HAVA was a weak piece of legislation, failing to clarify how computerized voting lists and provisional ballots were to be implemented and limiting the authority of the Election Assistance Commission (EAC), the agency created to implement the act.

Though HAVA was passed in October of 2002, President Bush did not appoint the EAC commissioners until December 2003. In addition, though the act authorized \$10 million for administration of the EAC, only \$1.2 million was actually appropriated. This has meant all kinds of delays and difficulties. At this writing, the commission still has no executive director. It appears that the four commissioners have tried to do their work well under difficult circumstances. If the commission is given funding and increased authority, some of the issues that came up this year can be resolved.

Congress should address the need for both national standards and a more robust enforcing authority. If not, more decision making will fall to the states. Until HAVA is amended, individual state election officials and legislatures must decide what machinery to use; how to implement the mandated computerization of registration lists; how to deal with list purges; how to implement voting-rights restoration laws, provisional ballot counting, and identification requirements for

new and existing voters; and many other things besides. But our states lack the resources to ensure the integrity and equality of our electoral system. For instance, it is simply not possible for each state to assure itself that the electronic equipment it is purchasing is impervious to failure or tampering. The Election Assistance Commission needs to play a larger role in setting standards and evaluating the machinery and its testing process.

But, while more national authority is needed administratively, at the broader policy level, states have indeed been laboratories for democracy. Maine, for instance, has led the way in enacting election-day registration, public financing of campaigns, allowing voting rights even for people in prison, and proportional allocation of presidential electors. Nevada has been a leader in acquiring electronic voting machines with paper trails and has accomplished better voter registration in social-service agencies than most other states. Other states have been better known for their failures and controversies than for their successes, and will be under major pressure for change.

Reformers need to join with secretaries of state and legislators who care about making democracy work to develop and enact a real agenda of reforms. One element is the necessary administrative repairs, like computerized voter lists, adequate poll-worker compensation and training, reliable and auditable voting machines, and provisional ballot standards. But in addition, we need bold thinking and action to genuinely open up the democratic process so that everyone has the fullest opportunity to join in. Election-day registration, early voting, and generally wider opportunities to cast ballots should head the list, as well as liberalizing voting-rights restoration, encouraging youth participation, and changing procedures to expand voters' choices and voices.

There is reason for optimism about the prospects for reform. These issues moved from the margins to the center of the debate after the 2000 election, and after this year's election they are there to stay. Not only traditional reformers but thousands of newly energized activists and a sensitized media experienced the frailty of the system firsthand, and they want to work for change. Elected officials at the state level, whatever their party, know that shoddy election administration casts doubt on the competence and legitimacy of the political system itself. In addition, after this year's results, it is not axiomatic that one party or the other benefits from higher or lower turnout.

All this should create an opportunity for bipartisan support for reform that both opens up the process and administers it competently. And progressives, who care passionately about the issues decided by our democracy, need the patience and the determination to protect and broaden our democracy and make it work on behalf of all. **TAP**

Miles S. Rapoport is the president of Demos, a national research and advocacy organization. He was Connecticut's secretary of the state from 1995 to 1998 and served 10 years in the Connecticut Legislature.

Whither the Ward Heelers?

The Democratic “527s” all but supplanted the party,
but does ACT have a second act?

BY HAROLD MEYERSON

SHORTLY AFTER THE MCCAIN-FEINGOLD BILL passed Congress in 2002, the smart money was all on the big money: Mega-wealthy donors to the new “527s” would dominate the new political era just as they had dominated the last. Sure enough, such progressive donors as George Soros did make huge contributions to the 527s. But the smart money was wrong: The 527 era has turned out to be one of renewed grass-roots activism and small-donor participation.

Groups like America Coming Together (ACT) ended up inspiring an intense devotion among their activist cadres. Partly that was due to the magnitude of their achievement; by the campaign's conclusion, ACT had raised a stunning \$135 million, placed 45,000 paid staffers in the field, worked urban black and other core Democratic communities with a regularity and intensity not seen since the death of the big-city machines, and persuaded millions of battleground state residents to vote for John Kerry.

But for two ACT activists whom I met in the organization's Cleveland headquarters in late October—Carolyn Jackson, a children's book writer who'd journeyed from her Riverside Drive home by Columbia University, and Ed Cyr, a onetime Cambridge, Massachusetts, city councilman—ACT was nothing less than a restoration of grass-roots democracy. Both marveled at the diversity of ACT staffers and volunteers, and at the absence of careerism that each had experienced in past campaigns where staffers sought to curry the candidate's favor. For Jackson and Cyr, ACT had become an alternative to a Democratic Party that had somehow forgotten how to incorporate people into its practice of politics. “You can't get a handle on the Democratic Party,” Jackson complained. “It didn't stand for anything. There wasn't anything to do” when she'd called to volunteer.

For Cyr, ACT was a throwback to the days when he'd accompanied his father to the polls on the working-class side of Cambridge—Tip O'Neill's neighborhood, where “we had 85 [percent] to 90 percent turnout; we had the party and the community meshing; and Dad would know half the people” who came in to vote. “Nothing replaced that till ACT came along,” Cyr said. “People want to do grass-roots politics; that's

what ACT provides.” “It's not a party,” added Jackson. “It's building a community.”

By the measure of turning out Democratic base voters, ACT was a signal success: John Kerry won 6.2 million more votes than Al Gore did four years ago, most of them from cities and constituencies where ACT plied its trade. Along with the 32 other progressive groups in the America Votes (AV) coalition, which coordinated efforts for the first time ever to boost turnout, ACT also created a generation of savvy and dedicated activists.

And yet ACT clearly has a very long way to go to build a community, or even a latter-day counterpart to O'Neill's North Cambridge machine. Having focused solely on turning out the vote on November 2, ACT enters the post-election period with no structure, no resources, no members, no current field staff, no offices outside its national headquarters in Washington, and no meetings for its activists to attend. As ACT's leaders scramble to devise an enduring structure and the resources to fund it, ACT volunteers convene meetings of their own, bombarding ACT's national leaders with suggestions.

What ACT did build was often a band of outsiders; until the campaign's final weekend, ACT's cadres in many battleground states were short-term transplants from less-contested states such as New York and California. Camaraderie among these troops was high and remains so. This new wave of activists—not just from ACT but from the League of Conservation Voters (LCV), the Sierra Club, NARAL Pro-Choice America, MoveOn, and all the other AV members—has already become the new generation of amateur Democrats.

In 1962, political scientist James Q. Wilson noted that the party machines and their paid functionaries were being supplanted by upper-middle-class volunteers who were motivated by their commitments to causes. In the years since, “amateur Democrats,” as Wilson termed them, have become the norm, while paid party precinct walkers have gone the way of the dodo. Paid union activists are confined to campaigning within the shrinking unionized share of the electorate. Inner-city get-out-the-vote (GOTV) operations spread money around, but their failure to produce in recent elections was one of the factors that led ACT President Steve Rosenthal to found the organization.

ACT focused its attention on those working-class communities where the amateurs don't go, where the disappearance of the party and the decimation of labor have rendered voter mobilization a dim memory and led to a disastrous decline in turnout. In small-town Ohio ACT headquarters, the staffers tended to be locals, nowhere more so than in Canton, where the closure of the Republic Steel mill and recent mass layoffs at other plants provided ACT with both a sympathetic political terrain and a cadre of unemployed workers whom it paid to walk the precincts.

ACT's primo Canton canvasser was Dave Leasure, who had lived in Canton all his life (but for his time in Vietnam) and who'd worked at the Republic plant for decades until it closed. Walking a neighborhood of wood-frame houses and dappled green lawns on a beautiful August afternoon, Leasure had no patronage to offer, no city jobs, no Christmas turkeys. But he could start with ACT's script on issues of concern to voters (lost jobs, a costly war), personalize it to the widow or downsized worker on the doorstep, and come away with commitments to vote, or even help with ACT's GOTV program.

***For the party itself to win the allegiance of activists,
it would have to really take hard-edged positions.***

This is something on which wise men would not bet.

It wasn't just Leasure who succeeded at his new trade, though. Everywhere act worked, it hit its targets. In Ohio, ACT had determined that Kerry needed to win 2,569,163 votes. On election day, Kerry actually got 2,739,952—553,762 more than Gore won in 2000.

But, as you've likely heard, it wasn't enough.

KERRY'S DEFEAT WASN'T CHIEFLY ONE OF TURNOUT. John Kerry lost persuadable voters to George W. Bush as a result of Bush's only belatedly answered attacks on Kerry's character and Kerry's inability to convince voters that he offered a better economic future than Bush did. But Kerry also came up short because while Democrats turned out all their vote in the known universe of cities and suburbs, Republicans expanded their universe into fast-growing new exurban counties. Voting-age population in exurban Ohio has swelled by 142,000 since 2000, the National Committee for an Effective Congress has concluded, while the population of urban and suburban Ohio has declined by 42,000.

Both parties threw everything they had into the battleground states, but the Republicans had more left over. According to a survey by the Center for the Study of the American Electorate, Kerry increased his vote over Gore by 3.6 percent in the battleground states but just 1.5 percent in non-battleground states. Bush increased his vote over his performance four years ago by 4.4 percent in battleground states and 3.9 percent in non-battleground states. Indeed, some states so red that neither presidential campaign considered working there—Alabama,

Georgia, South Carolina, Tennessee—nonetheless had record-high percentages of voter participation.

What this means is that the Republicans' infrastructure—the party itself and its gun clubs, business groups, and especially churches—likely has a broader national presence than the Democrats'. "The Republican Party is a national party," says Gina Glantz, the Service Employees International Union's (SEIU) top political operative. "We're a targeting party." Creating a targeting party kept Kerry in the game in 2004. But a targeting party—a well-funded collection of mobile, interstate activists—is clearly not adequate to the challenges the Democrats face.

"The election result only increases the imperative that we continue," says Glantz, who chairs ACT's Committee on the Future. "People look at what ACT did and say, 'We need this.' Not necessarily a paid canvass as such but the restoration of community-based politics. There are people out there who want to talk to voters. There were a lot of places we went where there had been no human presence on election day in decades."

Democrats now believe in the gospel of precinct walking.

"The key to the next decade," says Bill Meadows, president of the Wilderness Society and levy board member, "is a lot more people walking door to door." MoveOn raised \$5 million over the Internet and hired 500 organizers to work with its 20,000 largely novice precinct leaders in battleground states. "We see this as

community organizing for the suburbs," says MoveOn's Eli Pariser. And it was chiefly in the burbs where MoveOn, the levy, the Sierra Club, Planned Parenthood, naral, and other AV members got their sea legs this year.

But sustaining an organization in working-class neighborhoods is a trickier enterprise. Some within the AV coalition question the viability of ACT's model of mobilization. "If all we do is pay canvassers, are we really building something we can take to the future?" one leader of a progressive organizer asks. "ACT rose entirely as a 'beat Bush' organization, entirely as a paid operation. For going forward, does that work?"

ACT's leaders know its model must change. "How do you let a thousand flowers bloom and maintain a focus and organizational purpose? That's what we're trying to figure out over the next few months," says Rosenthal. "These organizations were built in a day," says Glantz. "You might want to designate precinct captains in actual precincts, or on the Internet. [SEIU President] Andy [Stern] argues we should treat the workplace as a precinct."

ACT RAISED MORE THAN \$20 MILLION IN 2004 FROM both the SEIU and George Soros, got more than \$1 million apiece from more than 30 donors, and received small contributions from 160,000 Internet and 130,000 direct-mail donors. Plainly, while many of the major donors have expressed enthusiasm about having ACT continue, and while the Internet remains fertile fund-raising ground, the level of support available to act to maintain its infrastructure

will be just a fraction of its 2004 total.

As Glantz makes clear, with the decline in its funding, ACT will have to pick its spots. "In Iowa, there's a very real Democratic Party," she says, "so Iowa isn't our first choice for a place to stay." In Ohio, on the other hand, the state Democratic Party has been in a shambles for more than a decade. "Why would we ever let Ohio go?" asks Glantz. "We have to make some choices."

ACT has extensive and detailed voter files and volunteer files in all the key battleground states, but those lists cease to be of value if they're not updated regularly. "We had a sustained dialogue—repeated house visits, phone calls, mail—with people that no political groups had ever spoken with before," says Ohio ACT Director Steve Bouchard. "The most important thing in Ohio is to continue the momentum we had." In many battleground states, the progressive organizations that coordinated their campaigns under the banner of America Votes hope to stay together to build ongoing progressive operations for 2006 and beyond.

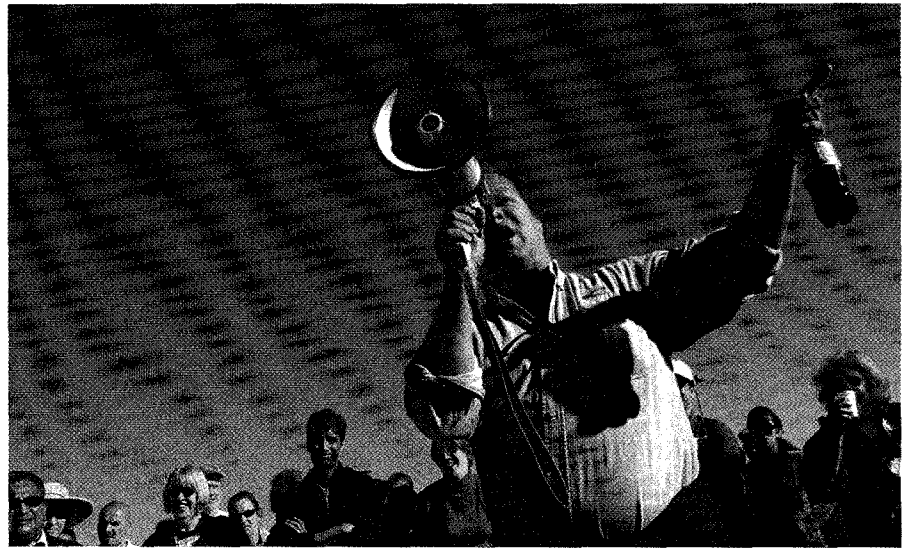
The staffers in ACT's Cleveland office have started their own Yahoo! group, where the volunteers from New York and California keep in touch. Karen Gasper, who was the volunteer coordinator in the Cleveland office, has returned to Washington, but she posted information on forthcoming MoveOn house parties, Democracy for America (Howard Dean's group) "Meetups," and Democratic Party meetings in Cleveland for the locals who belonged to the ACT Yahoo! group. ACT has yet to convene its own meetings in Ohio.

The real problem for ACT is particularly evident in Canton. Leasure, Canton ACT's star organizer, hopes to go back to work in a mill soon, this one in Lorain, a two-hour drive from Canton. And in a city where unemployed factory workers provided ACT's shock troops, restarting ACT as an association of unpaid volunteers would be to reconceptualize it altogether.

Lacking soft money and absent a culture change, it's not at all clear that the Democratic Party is up to this challenge, either. If Dean or Harold Ickes succeeds Chairman Terry McAuliffe, the party may try to open itself to activist participation, but even then it might have a tough sell. Many of the truly hard-core activists of '04 preferred working with ACT and the other AV groups to working with the party. The only funding path for the party—and possibly the only funding path for ACT if soft-money restrictions are placed on the 527s—is to raise money over the Internet, something at which both ACT and the party excelled in 2004. Democratic activists will likely give generously to whichever group mounts effective opposition to Republican rule—though not so generously that either, or both, will be able to build a neo-Tammany Hall in Canton.

OF COURSE, TAMMANY, NEO- OR PALEO-, HAS NEVER been a model of "small-d" democracy. Neither ACT, as it was constituted for the 2004 campaign, nor the Democratic National Committee purported to be organizations whose foot soldiers set fundamental policy. Like most of the groups that belonged to America Votes, ACT is controlled by a board of stakeholders and major donors, who were apparently comfortable with the organization's message of semi-populist economics, government-backed job creation, and government-sponsored health care. In theory, I suppose, the 527s are less accountable to their base than the parties are, and no less accountable to super-rich donors—but this failed to trouble this year's crop of largely left-leaning activists.

Beyond question, it was Bush who was chiefly responsible for the magnitude of the Democrats' grass-roots operation this year.



Great Job, but It Came up Snake Eyes: Nevada ACT's Luis Navarro revs up volunteers in Vegas.

That said, it was the 527s—by their ability to circumvent the moribund state parties and inspire an activist élan—that deployed that force more swiftly and massively than the party itself. The downside is that they were forbidden by law from actually making a pitch for Kerry, which, as one America Votes official admits, "really limited our voter-persuasion abilities." Were the party itself to win a deeper allegiance from its various activist constituencies and continue to raise money at the record levels it reached in 2004, it would surely be the best vehicle through which to wage future field campaigns. But to become the Democrats' genuine object of desire, the party would have to stand for something beyond lowest-common-denominator platitudes. This is something on which wise men would not bet.

Still, from the Dean campaign to MoveOn, from America Votes to America Coming Together, a new generation of activists is bent on rebuilding, if not the Democratic Party, at least the Democratic majority, through the new-old magic of grass-roots activism. They understand the limits of mobilization—the election results made that painfully clear—but they understand its indispensability as well. They have seen one part of the Democratic future, and it works. **TAP**

Color It Wrong

The tactics are more subtle than in the old days, but suppression of votes in minority neighborhoods is very much alive and well.

BY STEVEN CARBÓ

IF THE MAINSTREAM MEDIA CAN BE believed, the nation witnessed a hotly contested but generally acceptable election last November 2. George W. Bush won the White House in balloting that pulled our democracy back from the brink of illegitimacy and global embarrassment. Even *election-line Weekly*, the must-read journal for election-reform insiders, pronounced it “abundantly clear that Election Day 2004 was a success.”

But was that the full story of the 2004 election? From the perspective of the individual voter—especially the voter of color—our collective experiment in democracy last November was no resounding success. Across the nation, the right to freely cast a ballot without harassment or intimidation, and to have that vote properly counted, was sorely tested. For many African American, Asian American, Native American, and Latino voters, the 2004 election was another skirmish in a centuries-old struggle for equality and justice.

The days of lynchings, poll taxes, and white primaries have passed, yet the votes of citizens of color are stealthily manipulated and suppressed. As my fellow contributors detail in these pages, today's tactics are subtler. Savvy party operatives launch organized misinformation campaigns to suppress the vote. Aggressive teams of partisans stake out minority voting precincts, challenge the eligibility of would-be voters, harass harried poll workers, and sow confusion. People walk away without casting a ballot. Election authorities send too few voting machines and polling staff to inner-city wards, forcing many residents there to endure hours-long waits at the polls—or leave. Meanwhile, voting in suburban districts proceeds smoothly.

FOR SOME, THE 2004 ELECTION ELICITS its strong feelings of déjà vu. Many of the dirty tricks and vote-suppression tactics directed at voters of color this time mirrored those witnessed in the last presidential election.

In an analysis of balloting problems in Florida in 2000, the U.S. Commission on Civil Rights found a “widespread disenfranchisement and denial of voting rights.” In particular, the commission reported, “Disenfranchisement of Florida's voters fell most harshly on the shoulders of black voters ... [who] were nearly 10 times more likely than white voters to have their ballots rejected.”

A 2001 commission formed by the House Democratic Caucus found serious problems, too. Reported incidents included unauthorized vehicle checkpoints set up by the Florida Highway Patrol near heavily African American polling places on election day, black voters being directed to the wrong polling places, and others being told they could not vote if they had traffic tickets or criminal offenses. Individuals dressed in Immigration and Naturalization Service uniforms to scare off Latino voters were sighted in south Texas.

INCIDENTS LIKE THESE FIT INTO A long and bitter battle to extend the vote. And while the arc of history may bend toward justice, it tends to wobble back and forth along the way.

More than a million former slaves were enfranchised by the Reconstruction Act of 1867 and the 14th and 15th Amendments, yet these advances were short-lived. Within a few years, white elites gamed the system through gerrymandering, precinct reorganization, and polling-place closures. They reduced the franchise through poll taxes, literacy and residency tests, and racist constitutional provisions. And they unleashed white ter-

ror. Black turnout in the South fell to single digits, while in the North, proposals for enfranchising African Americans were defeated by more than 15 states and territories by 1870, most in public referenda.

Of course, blacks weren't alone. Over decades, Chinese immigrants were denied the right to vote in several western states, while Mexican Americans were disenfranchised by law in Texas and California. The struggle for the right to vote is perhaps most ironic for America's Indians. These “first Americans” were the last to be recognized as U.S. citizens—in 1924, when Congress finally granted them citizenship. Still, states with large Native American populations used various rationales to continue disenfranchising Indians. Only in 1957, when Utah repealed its statute interpreting Indians as residents of reservations and not of the state, were Native Americans fully enfranchised.

THE GREATEST MILESTONE IN THE struggle for the vote was passage in 1965 of the Voting Rights Act (VRA). After enduring hundreds of years of official suppression and violence, America's minorities secured rights that had been promised, briefly enjoyed, and then negated. Black registration in Mississippi jumped from below 10 percent before the VRA to almost 60 percent by 1968, and from 24 percent to 57 percent in Alabama. More than 60 percent of all blacks across the country were registered to vote within a few years of the law's enactment.

The act also provided legal advocates a means for challenging racial gerrymandering and other devices to dilute or deny the vote. Just as importantly, it has been used as a means for courts or the federal government to intervene directly in the local administration of elections. It was used during the 1960s and early 1970s to empower the U.S. Department of Justice to challenge intransigent districts in the South that were flouting the act's new protections. The Justice Department literally sent in federal examiners to register black voters and federal election observers to ensure that the law's promise was being fulfilled.

More recently, the law was used in Berks County, Pennsylvania, in 2003, in a suit brought by the Justice Department on behalf of Latino voters. The Justice Department charged that local election officials had employed poll workers who were hostile toward Latinos, prevented or discouraged them from voting, and imposed on them tougher identification requirements, all in violation of the VRA. Eventually, Berks County agreed to the appointment of federal examiners to oversee balloting, county appointment of bilingual poll officials, and transmittal of the county voter-registration list to the Justice Department.

But each progressive enactment in U.S. history has been met with resistance. In recent years, remedial redistricting plans have come under attack, courts have retreated, and the federal government has pulled back from strict enforcement of the law.

The Ashcroft Justice Department is a case in point. Since President Bush's first attorney general took office, federal enforcement of civil-rights laws like the VRA has declined precipitously. According to the Transactional Records Access Clearinghouse at Syracuse University, the Justice Department filed 84 criminal charges alleging civil-rights violations in 2003, down from 159 in 1999. Justice Department challenges of racially discriminatory voting cases have virtually halted. And the center of gravity in the front office at the Justice Department has shifted away from voter access to "voter integrity"—a pursuit of vote fraud that has historically resulted in new barriers to the ballot and the suppression of minority votes.

With broad authority under the VRA to combat efforts to "intimidate, threaten, or coerce any person for voting or attempting to vote," the Justice Department could have mounted an aggressive assault on the kinds of abuses we saw in 2004 and 2000 alike. It was certainly clear before November that efforts were afoot to depress the vote in commu-

nities of color. Florida's secretary of state was doggedly pursuing a seriously flawed felon purge, law-enforcement officials were intimidating elderly African American voters in Orlando, and GOP operatives in several states were hatching challenges to urban voters. Voter harassment on Native American reservations and noncompliance with the bilingual balloting mandates of the VRA foreshadowed additional problems.

Where the Ashcroft Justice Department *did* take a stand, it weighed in *against* voters. In legal briefs against restrictive provisional balloting in Ohio, Michigan, and Florida, the Justice Department argued that individual voters

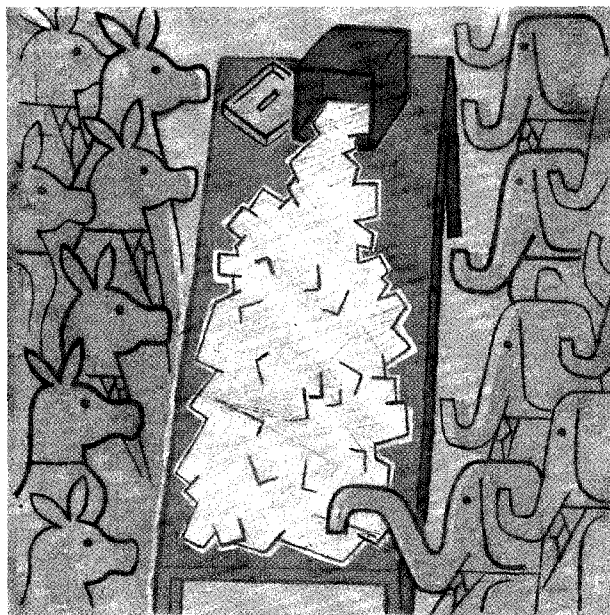
have mounted an extensive field campaign and rapid response to election-day irregularities. Instead, Washington ceded responsibility for protecting the vote to the volunteer election-protection projects, like the one coordinated by the Lawyers' Committee for Civil Rights, the People for the American Way Foundation, and numerous allied organizations. Together, they deployed 25,000 volunteers to field 125,000 calls to a nationwide hotline and respond to thousands of election-day problems.

THE AVOIDANCE OF A PROTRACTED vote count or constitutional meltdown notwithstanding, the 2004 election failed many Americans. Our system for registering voters and counting ballots is understaffed, overly partisan, and frequently incompetent. But the flaws run deeper. As reflected in hundreds of cases of voter intimidation and vote suppression, highly organized political operatives and their patrons work diligently to thwart full enfranchisement. Outright racial animus and the willful manipulation of minority voting rights for partisan ends colluded to deny the vote to many.

These efforts must be resisted with the same fervor that ended the poll taxes and literacy tests of an earlier era. Policy-makers of conscience, working closely with community activists and legal advocates, must find courage to take up the fight. In addition to the critical reforms detailed by Miles S. Rapoport and others in this report, some key steps could target special concerns over civil rights. To begin with:

President Bush and the new attorney general must install a new regime at the Department of Justice. The Justice Department must recommit itself to ensuring equal and open access to voting. The nation's law-enforcement authorities must vigorously pursue and prosecute lawbreakers who undermine the rights conferred by the Constitution and statutes.

Congress and the states must enact stiffer penalties for voter intimidation



could not seek a remedy in the courts. In this instance, only the Justice Department could sue—a step that it had declined to take. J. Gerald Hebert, a 21-year veteran and former chief of the department's voting-rights section, told the *Los Angeles Times* in October, "This is the first time in history that the Justice Department has gone to court to side against voters who are trying to enforce their right to vote."

The Justice Department *could* have undertaken an aggressive pre-election outreach campaign to state and local election officials seeking to ensure full voting access and compliance with the VRA. With thousands of federal attorneys at his disposal, the attorney general could

and vote suppression. Twenty years ago, the GOP entered into a consent decree in federal court in New Jersey to stop a systematic campaign of vote challenging. Yet the very same tactics highlighted in that court case were repeated in Ohio, Florida, and elsewhere in 2004. Penalties against election-day dirty tricks are weak and ineffective. They must be strengthened.

Our political leaders must again elevate the long-term struggle for full enfranchisement to the top of the nation's agenda. The enforcement provisions of the VRA, which are set to expire in 2007, must be renewed and strengthened. Felon-disenfranchisement laws and practices must be disavowed, so that America no longer stands out among the world's democracies in conditioning rights of citizenship for those who run afoul of the law. And the centuries-old debate over voting as a right or a privilege must be put to rest. A 28th Amendment, proposed by Jesse Jackson Jr. in Congress, would es-

tablish a constitutional right to vote. It must be embraced and adopted.

Millions of Americans volunteered time, energy, and resources in 2004 in a protracted campaign to energize and mobilize the vote. And they succeeded: Turnout rose sharply. But hard to reach, infrequent voters—for whom the system has delivered the least and whose political participation is most tenuous—will be unapproachable next time around if the injustices of the last two presidential elections are not addressed. Political leaders at all levels of government must work closely with community activists and residents to ensure free access to the vote. If this is achieved, America can indeed boast success. **TAP**

Steven Carbo is a public-policy advocate and attorney who has worked to expand voting rights for communities of color. He directs the Democracy Program at Demos.

Courting Trouble

Liberal overdependence on the courts, combined with an obsessive preoccupation with church-state symbolism, has reached its limit.

BY BURT NEUBORNE

JUDGING FROM THE VIEWS OF MY respected co-authors in this report, American democracy stands indicted for its performance in November's election. Yet in several important respects, the system performed better in 2004 than it has in years. That's not easy for me to say after such a disheartening election day. But you cannot measure the health of a democracy simply by who wins. Voter turnout increased by an astonishing 12 percent, adding 15 million new voters, many from the inner cities. Racial minorities and younger voters turned out in larger numbers than ever before. The two major presidential candidates enjoyed ample, legitimately raised funding, including millions of small contributions raised on the Internet. The candidates posed stark, well-defined choices. A third-party protest candidate

was available. The election delivered a clear winner. If John Kerry had won, liberals would be touting 2004 as the mother of all elections.

Don't get me wrong: American democracy is far from robust. President Bush's narrow lead in Ohio obscured the fact that the same problems with vote tabulation that plagued the 2000 election in Florida were present this time around. If the election had been a little closer, we would have had *five* Floridas, with lawyers and courts deciding what ballots got counted in Ohio, New Mexico, Nevada, New Hampshire, and Iowa. Instead of butterfly ballots and hanging chads, we had misfiring electronic machines with no paper records, hundreds of thousands of disputed provisional paper ballots with no national standard for counting them, appallingly long lines

to vote (especially in inner-city precincts), missing registration cards, and a nationwide inability to handle the surge of new voters smoothly. If the system nearly breaks down when 59 percent of the electorate votes, what would happen if we achieved 70-percent turnout similar to that in many European elections? We desperately need a congressional overhaul of the presidential voting process, from modern voting machines we can trust to uniform, same-day registration procedures, from a standardized provisional ballot that ensures that all qualified votes are counted under the same ground rules to a shift of election day to a weekend or a holiday so working people can vote conveniently.

That 18th-century relic—the Electoral College—is also waiting to cause mischief. A shift of about 40,000 total votes in New Mexico, Nevada, Iowa, and New Hampshire would have resulted in an electoral tie of 269 to 269. Even more dramatically, a shift of fewer than 60,000 votes in Ohio would have elected Kerry, despite Bush's 3.5 million nationwide majority. I would have chuckled at the irony of deposing Bush—a man whose claim to the presidency was based on subverting democracy—without winning the popular vote, but it would have been terrible for democracy, and it could happen in 2008 to either candidate.

Given the appalling collapse of the Supreme Court in 2000, and the less than edifying performance of courts this time around in dealing with standards for counting provisional ballots, felon disenfranchisement, and reliable voting machines, it is madness to leave close elections to judicial determination. We should be concentrating on the enactment of nationwide, reasonable presidential voting rules that should make it unnecessary in the future to turn to courts to decide close elections. Equally important, we should be rethinking our overdependence on courts as frontline implementers of liberal values.

WE ARE AT THE CLOSE OF A 50-YEAR cycle during which Democrats and Republicans have pursued dramatically different domestic agendas. Democrats

have championed the social values of the Enlightenment—toleration, secularism, equality, and free expression. Republicans, meanwhile, have embraced Adam Smith, resisting the government wealth transfers and market regulation often sought by Democrats in the name of equality. In the end, both political parties won their core struggle. Democrats succeeded in dismantling barriers to equality based on stereotype, building a powerful system of free expression and respect for cultural diversity while walling religion off from the exercise of public power. At the same time, Republicans succeeded in enshrining the free market as the engine of economic organization. But the two parties used very different strategies to achieve their victories.

Republicans concentrated on politics, largely because by the end of Franklin Delano Roosevelt's fourth term they realized there was no chance of undoing the New Deal in the courts. After absorbing a terrible initial defeat in 1964, Republicans began the long job of rebuilding their political base. Democrats, almost always acting on behalf of minorities doomed to short-run defeat in the political arena, turned to the courts. Year after year, the judiciary delivered a steady stream of decisions finding liberal, counter-majoritarian values in that quintessential Enlightenment document, the Bill of Rights.

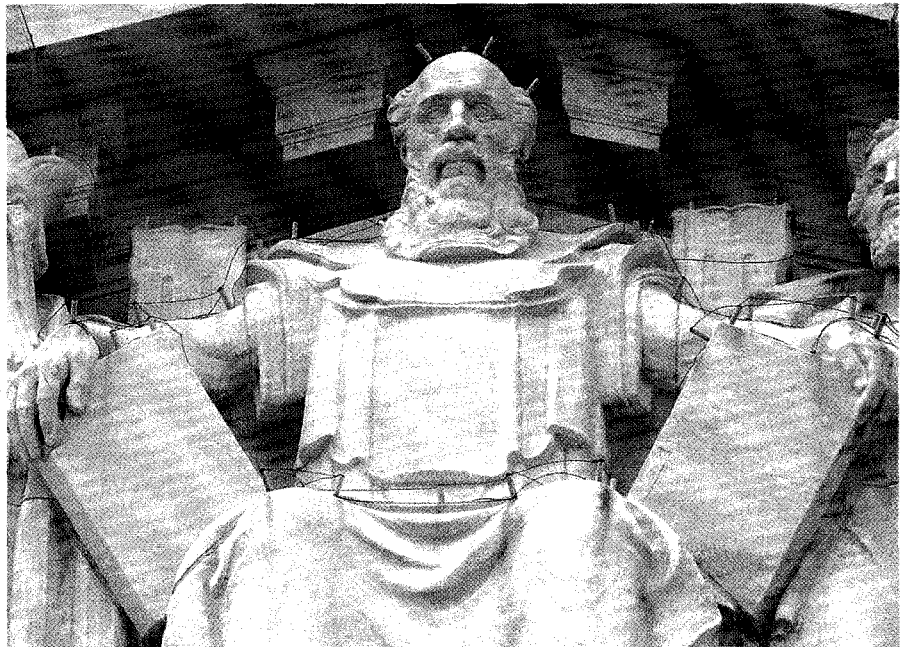
The 2004 election saw the Democrats' 50-year practice of successfully advancing Enlightenment values through the courts instead of through the political process come home to roost. Infuriated by court decisions limiting their power to use law to advance their religious beliefs, a relatively thin slice of the population—probably just 10 percent to 15 percent, but large enough to wield the balance of electoral power this time around—rose up and voted against their economic interests, throwing Ohio and the election to George W. Bush.

Whether the issue was abortion, gay rights, the wall between church and state, or pornography, the common denominator of the dramatically increased rural/evangelical vote was rage at judi-

cially imposed limits on the political expression of religious values. How Democrats deal with that rage, and break through it to talk to the red states about economic justice, toleration, and basic fairness is one of the great political challenges of our time.

Of course, Democrats could simply ignore the evangelicals and their rural allies, as these blocs may well lose their balance-of-power status once September 11 security concerns ebb. But that's a huge gamble, one that writes off the South and much of the rural heartland. Defeat in

the court victories were morally correct. *Brown v. Board of Education* was followed by Martin Luther King Jr.'s remarkable grass-roots mobilization on behalf of the moral imperative of ending American apartheid. Ruth Bader Ginsburg's pathbreaking Supreme Court victories on behalf of women were followed by a brilliantly orchestrated popular movement explaining why it was unfair to lock women into stereotypical roles. Pioneering legal victories protecting the right to vote were followed by nationwide political campaigns to explain why



Holy Moses: The Ten Commandments, right there on the frieze of the Supreme Court building

2004 poses an overdue challenge to Democrats. Their long reliance on the courts as the principal forum to advance Enlightenment values may well have succeeded itself out of usefulness. Much of the liberal agenda initially advanced in the courts has become part of the national consensus. Free speech, freedom from stereotypical discrimination, religious toleration, deep commitment to individualism—issues that once were intensely contested are now the common currency of national discourse.

In retrospect, the enduring success of liberal thought in reshaping America has almost always involved initial counter-majoritarian court victories, followed by effective political organization designed to convince the majority that

it was morally wrong to exclude people of color and the poor from the democratic process. A similar pattern prevailed with the debate over protecting free speech.

Two important segments of the liberal social agenda—abortion and gay rights—remain trapped in a political limbo between the initial judicial articulation of a counter-majoritarian norm by courts and moral acceptance by the larger community. Frankly, liberals have gotten out of the habit of translating judicial victories into moral consensus through political discussion. That task can no longer be ignored if we hope to reach out to natural economic allies in the red states. But the boundaries of such discussion must be shaped, not by judicial fiat but by an abil-

ity to make a persuasive moral case to the majority. Power to shape the discussion must be transferred from ideologues to pragmatists. In short, begin working at the grass roots to build a moral consensus around civil unions and a woman's basic right to choose. But stop sounding like abortion is a sacrament, and stop insisting on judicially imposed gay marriage as a symbolic victory.

Finally, some elements of the judicially imposed liberal social agenda may not be worth defending. While abortion and gay marriage undoubtedly played a role in mobilizing the rural/evangelical outpouring that cost the Democrats Ohio and the 2004 election, a driving force was rage at

judicial decisions preventing government-sponsored religious expression. Nondenominational prayer services at graduation or before football games, displays of the Ten Commandments in courthouse lobbies or crèches and Christmas trees on public lands, the phrase "under God" in the pledge of allegiance—all fell under the secular knife.

I have no quarrel with the analytic correctness of the decisions. Maintaining a strict wall between church and state has served the nation well. But, seriously, as long as all religions are treated equally, do you really view such exercises in religious symbolism as a threat to our way of life? When I was national legal direc-

tor of the American Civil Liberties Union during the Reagan years and the board had sent me out to argue my umpteenth crèche case, I wrote a memo saying that I didn't take the job to stamp out the Virgin Mary. Is it worth alienating people in the red states who might vote for a minimum-wage bill or back economic policies that do not savage the poor just to make a lawyer's point about separating church and state?

And I'll go further and really get myself into trouble with my friends. Are we so sure it is a good idea to freeze religious institutions out of the delivery of social services to the poor? For what it's worth, my experience is that it takes an intense commitment verging on love to crack the terrible shell that the nation's moral failure has built around the inner cities. The best I've seen from most secular bureaucrats is competence—and too often, their competence is overwhelmed by the enormity of the task. Religious institutions have the capacity for the intense commitment that is needed to change a life. Of course, there are risks—proselytization, intimidation, abuse—but why not take a chance? The result could be the mending of the breach between Democrats and millions of natural economic allies in the red states, and more effective social services for the poor in the blue ones.

In short, what we need is old-fashioned political shoe leather designed to convince the majority of the moral correctness of a women's right to choose and the moral correctness of toleration of gay lifestyle—without the freight of an obsessive preoccupation with church-state symbolism. But that argument is merely the appetizer for the main course, a serious economic agenda that recognizes the primacy of markets and is tempered for the better by regulation and social investment, including a practical means of breaking through to the hardcore poor. **TAP**

Burt Neuborne is the John Norton Pomeroy Professor of Law and legal director of the Brennan Center for Justice at the New York University School of Law.

THINKING EVEN BIGGER

Just over the next horizon are even bolder reforms. They include:

Instant-Runoff Voting. With instant-runoff voting, you designate more than one choice. If your candidate isn't in the top two, your vote automatically goes to your second choice. With this system, now used for local elections in San Francisco, supporters of insurgent candidates can vote for their first choice without risking the unfortunate consequence of helping elect their last choice. If instant-runoff voting had been in effect in 2000, Al Gore—the second choice of most Nader voters—would have become president. As Rob Ritchie of the Center for Voting and Democracy explains, instant-runoff voting simulates runoffs, but in a single election—thus guaranteeing that the winner is actually the choice of a majority.

The system has two big benefits: Partisans must think in terms of practical coalition politics, because candidates need to attract second-choice votes *and* first-choice ones, and democracy is energized, as people alienated by Tweedledum and Tweedledee are drawn into politics. Under Ireland's instant-runoff voting system, the Labour Party's Mary Robinson became the nation's first woman president and most popular politician. When first elected in 1990, she was the top choice of only 39 percent of voters—well behind the Fianna Fail Party candidate's 44 percent. But when the third-finishing candidate's votes were reallocated, Robinson won a majority.

Winner-take-all systems like ours and Britain's are the exception. Most European democracies elect legislatures by proportional representation, and few allow a mere plurality to elect a chief executive. Ritchie and his colleagues are organizing grass-roots efforts to press for instant-runoff voting and other forms of proportional representation.

A Right-to-Vote Amendment. Remarkably, our Constitution contains numerous provisions about how leaders are chosen, but nowhere does it guarantee citizens the right to vote and to have their votes accurately recorded.

Scrap the Electoral College. Sound like a pipe dream? We almost did it in 1969, when the House of Representatives overwhelmingly passed an amendment to abolish the Electoral College in favor of direct election. The measure got a majority, but it was the victim of a filibuster and never commanded the necessary two-thirds in the Senate. If it hadn't rained in Ohio on November 2, John Kerry could well have been the electoral winner but not the popular winner, leaving both parties "cheated" by the Electoral College in back-to-back elections. It could happen again.

Meantime, just having a popular movement to abolish the Electoral College and guarantee every citizen's right to vote would be good for American democracy.

—Robert Kuttner

Vanishing Bipartisanship

A conversation with Warren Rudman

BY TARA MCKELVEY

WARREN RUDMAN HAS SPENT years perfecting the art of bipartisanship. Called a “consensus-forging leader” by Senator Olympia Snowe, Rudman, who served two terms as a U.S. senator from New Hampshire (1980–92), is well-known for his role in bipartisan deficit reduction and, more recently, for his work on the United States Commission on National Security, which he co-chaired with then-Senator Gary Hart. In November, he talked about how members of both parties can work together more effectively.

Tell me about your work on the United States Commission on National Security.

We had people as diverse as Newt Gingrich and Lee Hamilton and Andrew Young—all serious-minded people who agreed there was a terrific problem and were focused on trying to find a solution. We worked together very, very well. The commission predicted what would happen with terrorism in this country, and it recommended the creation of a Department of Homeland Security long before [September 11].

Was there a high point of bipartisanship on the Hill?

Historically, you get a lot of bipartisanship during a time of national stress and crisis because people recognize the country has to move together with one voice. Unfortunately, that doesn't last long. After December 7, 1941, the Congress grew together. But toward the end of World War II, it started to separate again. More recently, Congress came together after 9-11. A year or so later, it started to draw apart. It's also true with the Iraq War.

Lately, bipartisanship on the Hill seems to have taken a real beating. What's happened?

I think elections have become far more intense and negative, and that kind of seeps over into the running of the Senate. Some people have a lot of hard feelings toward other members because of the types of campaigns they have waged. My sense is that this has led to a lot of intense feeling between the parties. When I was there, it was not unusual to have people on both sides of the aisle who were friendly on a personal level. I think that's less prevalent today.

In a recent *Washington Post* article, Senator Lamar Alexander blames the partisan rancor on “outside issue groups with their scorecards, 24-hour news, and the fight for control that has spilled over from the House.”

I agree with Lamar. I think the outside special-interest groups have created a lot of the partisanship that exists, and I don't see anything in the immediate future that's going to change it. I know that during the two Reagan terms and the Bush [Senior] term you didn't have the level of intense dislike that we have seen with both President Clinton and George W. Bush. It a direct result of the political system.

So there's nothing about these two presidents that brought it on.

Yes, I truly believe that.

In what areas do you think the parties can work well together?

On the appropriations bill, people can compromise between numbers. On the armed-services bill, people can compro-

mise between programs. You can do something in a bipartisan way in regards to tax reform, which has been the subject of bipartisanship for many years during which people have managed to work out reform packages. Reforming the entitlement program will have to be bipartisan, or it won't work. Obviously, the president would like to see some private accounts. The Democrats oppose that. But they have other ideas. With this issue, I suspect you might be able to find a compromise that reflects the views of both parties.

Olympia Snowe calls you a “consensus-forging leader.” How'd you get that title?

You know, it's a matter of trying to work with people you have essential disagreements with and trying to find areas of agreement in which to forge a compromise. And I was able to do that in a number of areas. However, I will say there are certain things you're not going to compromise on. When you come down to things such as judicial nominations, where people are pro-choice and pro-life, and health reform, where some are pro-government programs and others are

pro-private-health-insurance programs, there are substantial differences, and people are very partisan. They are not going to change their fundamental philosophical views on bedrock issues, and you will have major battles over them. And I'm not sure that's not necessarily bad.

In November, there was a breakfast hosted for newly elected senators where they talked about bipartisanship. What would be your advice?

Get to know people on both sides of the aisle. Go out of your way to find out what they believe and what makes them tick. If you have a personal relationship, it makes it easier when stressful subjects come up and you're trying to reach a compromise. **TAP**

*Get to know
people on both
sides of the aisle.
Go out of your
way to find out
what they believe.*

Don't Count on It

Why we need paper trails to back up compromised and fallible voting machines—and why we're not getting them

BY MARK LEON GOLDBERG

FOR ELECTION OFFICIALS IN FORT LAUDERDALE, Florida, November 2 had passed with merciful ease. The balloting was deemed an administrative success—until two days later, that is, when election workers noticed a mathematical oddity: As they canvassed more votes, the tallies in certain races had decreased. After some hand-wringing, election officials discovered that the Election Systems & Software (ES&S) machines used by Broward County to count absentee ballots were inexplicably programmed to *subtract* votes once the 16-bit devices hit a ceiling of 32,767 votes.

According to Rebecca Mercuri, a computer-security expert at Harvard's Radcliffe Institute for Advanced Study, this mistake was a common error made by "dumb freshman computer-science majors" and other neophyte programmers. In this case, ES&S had known about the problem for at least two years, but neither the company nor state or local election officials had aggressively sought to correct it. In a statement to Florida newspapers shortly after the election, the company issued a meek mea culpa: "While the county bears the ultimate responsibility for programming the ballot and structuring the precincts, we ... regret any confusion the discrepancy in early vote totals has caused."

But the problem with the computer error wasn't just "confusion"; it was the potential disenfranchisement of some of Florida's voters. And the problems with the new machines didn't occur only in Florida; they happened throughout the country.

On November 2, 30 percent of all voters used Direct Recording Electronic (DRE) machines, which use ATM-style touch-screen technology and generally leave no paper trail for recount. Without printed receipts as a backup, a malfunctioning DRE machine can permanently lose votes, a possibility that voting-rights activists repeatedly warned of before the balloting. In this election, only one state, Nevada, mandated that the machines produce paper receipts so that election officials could conduct a recount if necessary. And on election day, the Verified Voting Foundation, a nonprofit organization that advocates for more reliable electronic-voting machines, registered more than 1,800 machine malfunctions, nearly half involving DREs.

Carteret County, North Carolina, used DRE machines man-

ufactured by the UniLect Corporation, with no paper record. The county lost more than 4,500 votes due to computer error—a significant number given that some races were tight, with the statewide contest for agriculture commissioner decided by fewer than 2,400 votes. With no hope of recovering the lost votes, both sides are engaged in a bitter legal dispute, and the state is without an agriculture commissioner-elect.

Those monitoring elections say that incidents like the one in Carteret County, and the myriad other election-day machine malfunctions recorded by the Verified Voting Foundation, do not suggest a pattern of widespread fraud. Contrary to Internet rumors, there is no hard evidence of a nefarious election-day conspiracy plot involving the much-maligned Diebold Inc., or any other machine vendor, to hand deliver the election to George W. Bush. But with no auditable paper trail, experts say, there's really no way to know. As Chellie Pingree, president of the advocacy organization Common Cause, pointed out at a recent press conference, "the absence of a meltdown should not be a measure of success."

Indeed, it *was* a national meltdown that ushered in the age of e-voting. In the wake of Florida's 2000 fiasco with hanging, dimpled, and pregnant chads, election officials sought to improve their election equipment. The Help America Vote Act (HAVA) authorized federal funding for states wishing to purchase new machines. Not surprisingly, the promise of money opened the floodgates for e-voting vendors wanting to get in on the action.

HAVA was underfunded from the outset. If money flowed at all to the states to update their machines, it was just a trickle, so many opted to purchase new machines with their own funds in hopes that they would eventually be reimbursed by the federal government via HAVA. They spent millions of dollars on e-voting technology, their decision of which system to purchase often based primarily on a single company's intense lobbying effort. In New York state, for example, the election-machine manufacturer Sequoia Voting Systems hired a former aide to House Leader Joe Bruno to lobby its cause. Lo and behold, the only municipality in New York to buy touchscreen machines was Bruno's home district of Clifton Park, which opted for Sequoia's model. Similarly, in January 2003, just

one month before joining Sequoia as a paid consultant, California Secretary of State Bill Jones wrote letters to each member of the Santa Clara Board of Supervisors to reassure them that Sequoia's DRE machines were safe. Sequoia ultimately won Santa Clara's \$19 million contract.

While a certain amount of government-industrial overlap is to be expected, what is startling about the voting-machine industry is the degree to which this symbiosis has been institutionalized. This is due, in large part, to a curious nonprofit entity called the Election Center and its versatile executive director, Doug Lewis. The Election Center's members include approximately 1,000 dues-paying state and local election-administration officials, as well some voting-machine vendors. The center provides a host of services for its members, informing them of new developments in election law, sponsoring professional development conferences, and offering training workshops for new election officials. In advance of the last election, the center also performed a quasi-oversight role over the machine-testing process. Specifically, the Election Center, in conjunction with the National Association of State Election Directors, selected which private labs would test new voting-machine technologies.

But in the eyes of many voting-rights activists, the Election Center (and Lewis in particular) acts as a tireless advocate for the industry's interests. In March, *The Philadelphia Inquirer* reported that the center has received tens of thousands of dollars from the major voting-machine vendors in the United States. Lewis also had a hand in forming the e-voting industry's trade association. In August of 2003, Lewis and Harris Miller, president of the Information Technology Association of America (ITAA), the country's largest IT trade association, hosted a conference call with the presidents of the major e-voting-machine vendors. Academics, such as the indefatigable paper-trail advocate David Dill, a computer scientist at Stanford University, had been publicly questioning the security and viability of DRE systems, and the press was beginning to catch on. In the conference call, Lewis, Miller, and the executives banded together to form a coherent public-relations counteroffensive under the auspices of a new trade association, later called the Electronic Technology Council, to be created as a subsidiary of the ITAA; membership was to be around \$100,000 per company. On the council's Web site, an official statement of neutrality on the issue of voter-verified paper ballots is quickly followed by a long list of reasons why such a requirement would, in fact, be onerous.

Considering that Lewis' organization's members are election officials who serve a public trust, Lewis' critics cite his participation in creating the Electronic Technology Council as an apparent conflict of interest. If true, this has only

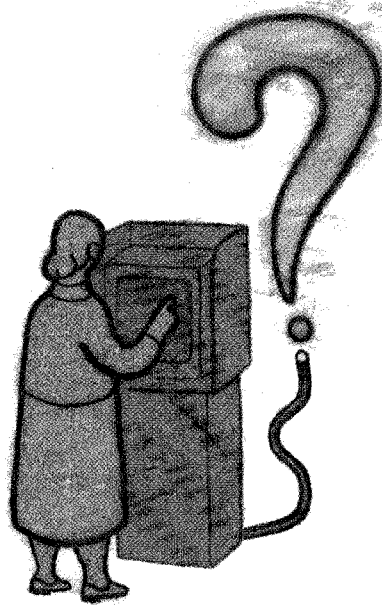
become compounded since June 2004, when Lewis was elected chairman of the Board of Advisors for the Election Assistance Commission, a federal body created by HAVA to oversee the bill's implementation.

Lewis, however, isn't alone in blurring the line between government and the voting-machine industry. Industry representatives have inserted themselves directly into the emerging process of codifying the performance standards by which new machines must operate. Recognizing that the performance and testing standards for e-voting machines still lagged far behind innovations in technology, the authors of HAVA mandated that the Election Assistance commission pass a new set of guidelines by 2006. Though these standards are only voluntary, in practice they will provide the basic guidelines to which new machines need to adhere to win certification in most states. The commission passed on the responsibility of creating these guidelines to the Institute of Electrical and Electronics Engineers (IEEE), a professional society of high-tech engineers.

Alas, says Mercuri, the computer-security expert who is also one of about 30 members of the IEEE's voting-equipment-standards working group, this process has been hijacked by industry representatives who serve on the working group and are manipulating the standards to serve their own profit-expanding ends. A longtime employee of the prominent e-voting vendor ES&S, Herb Deutsch, now chairs the working group. According to Mercuri, Deutsch and his allies are deliberately making standards overly complex in order to dissuade any new startup company from developing new technologies. And, she

says, they are not making systems very secure. Nonetheless, it now appears that the standards the group is proposing are likely to be approved by the Election Assistance Commission in 2006, without the security provisions demanded by independent academics, computer-programming experts, and activists.

Seeing as the 2006 voting-machine standards are not likely to require that touchscreen machines print voter-verified receipts, and that many secretaries of state have already shown themselves to be cozy with the industry, the legislative process remains one of the last remaining recourses for mandating that fallible machinery be backed up by a paper trail. Some states, such as New York, are working on laws that would require this. However, such an effort is unlikely in all the states, leaving voters unprotected against industry encroachment into the voting booth. Members of Congress ought to stand behind their Democratic colleague Representative Rush Holt in calling for national legislation that would mandate a paper receipt. Without such legislation, there is no telling—*literally*—how many votes may be lost in future elections. **TAP**



A Few Good States

Maine, Minnesota, and now Georgia are showing that well-run elections are more than possible.

BY SAM ROSENFELD

WHEN IT COMES TO ELECTION SYSTEMS, the United States isn't all Floridas and Ohios. There are, in fact, a number of states that tend to run their elections well, through trusted systems and voter-friendly procedures. They don't grab the attention of journalists and reformers precisely because they rarely produce newsworthy controversies and snafus.

Reform experts insist that no single state combines all of the best election-day policies into one ideal system. But generally those states that do well follow two guidelines: first, they employ turnout-boosting policies that make voting as easy and accessible as possible; and second, they put into place processes that help centralize a state's system and promote uniformity. These two, in combination, make for a successful formula.

States with good voting outcomes demonstrate these elements in various combinations. Maine and Minnesota in particular have long boasted attractive assortments of turnout-boosting measures. In these states, traditionally high levels of civic engagement tend to encourage progressive election policies and widespread trust in the system, which, in a self-reinforcing cycle, lead to higher turnout. Such a progressive electoral culture does not exist in Georgia, which has employed a different, top-down model to bring about change. There, a handful of reformers working in a fortuitous political climate have made all the difference. Since the 2000 election, fair-voting advocates have been able to overhaul Georgia's election process, creating a more centralized and standardized voting system.

MAINE RANKED THIRD IN THE NATION THIS YEAR IN voter turnout, at 72.6 percent of the eligible voting-age population. It ranked fourth in 2000. That's indication alone that there is a great deal right with Maine's election system. The most important of the state's turnout-boosting provisions is election-day registration. Maine was the first state in the country to adopt the measure, in 1972. But the state goes further. For those unregistered voters who show up at the polls on election day without proper identification, Maine has for years offered "challenge ballots"—a variation on the pro-

visional ballots mandated by 2002's federal Help America Vote Act (HAVA) for states without election-day registration. Maine is also one of only two (Vermont is the other) states that place no voting restrictions whatsoever on felons, who are allowed to vote in prison. Finally, since 2001, Maine has been one of the 25 states that offer "no excuse" absentee balloting.

These turnout-boosting measures themselves contribute to the efficiency of election-day proceedings. Felon enfranchisement ensures that eligible voters won't accidentally be removed from voter rolls through purges, while no-excuse absentee balloting helps to minimize long lines and swamped polling places on election day. Portland City Clerk Linda Cohen attributes the "incredibly smooth" election-day proceedings in her jurisdiction last November to the unprecedented use of absentee ballots. "We had almost 10,000 absentees in Portland," she said. "That's almost 20 percent of our voting population ... There were hardly any phone calls reporting problems in the polling places. There were no lines at 8 [p.m.]," despite record turnout in the city.

Maine also features elements of centralized and streamlined organization, including mandated biannual poll-worker training, voter-education and outreach initiatives, and detailed administrative prescriptions for carrying out automatic recounts. But overall, the process remains resolutely local and low-tech. The state has yet to establish a statewide voter-registration database. More than 80 percent of Maine communities still count paper ballots by hand. Indeed, the most recent piece of election-reform legislation to pass in the state prohibits the adoption of electronic voting machines that don't leave a paper trail. The bill's sponsor, state Representative Hannah Pingree, suggests that Maine's system of publicly financed campaigns may have contributed to the fact that "there were no major connections to voting-machine companies in the Legislature. Nobody came and lobbied on this bill."

But perhaps the biggest boon to Maine's democratic standing is its tradition of civic participation. "I live in a town of 350 people, and every March we still have a town meeting where 150 to 200 people show up," says Pingree. "The participation is what then fuels people to pay attention to the system," and to seek to make it accessible and accountable.

Minnesota shares a similar political culture. Indeed, the state's tradition of robust political participation and a transparent election system seemed to ensure a smooth election process this year *in spite* of the antics of the secretary of state, whom many suspect of partisan hackery. Minnesota has boasted the highest turnout rate in the country for the last three election cycles, this year reaching 78 percent of its eligible voting-age population. Like Maine, the North Star State enjoys a tradition of strong civic participation and offers a nice package of voter-friendly election measures: election-day registration, early voting, felon re-enfranchisement, even a law mandating paid time off of work on election day.

Also like Maine, a good-government political culture undergirds the state's sturdy election system. State Senator Chuck Wiger of St. Paul, chairman of the Senate Elections Committee, attributes the successful election process to "Minnesota tradition." But that tradition was put to the test this year when critics questioned the competence and good faith of Republican Secretary of State Mary Kiffmeyer in the months leading up to the election. Kiffmeyer's loose accusations of voter fraud, preoccupation with publicizing the danger of an election-day terrorist attack in the state, and exacting requirements for voter identification all contributed to the impression that she was trying to suppress the vote. But Minnesota's system of accountability and fair election practices proved effective. Wiger led pre-election hearings in the state Senate in which Kiffmeyer was grilled about logistical preparedness and the viability of the statewide voter database her office was implementing. "Had we not had those interim hearings on the problems in the system," he argues, "there would have been significant problems during the election cycle." The state's oversight structure ensured a smooth process.

Moreover, and to Kiffmeyer's credit, reports indicate that the voter database worked effectively across the state. Dan Seligson, editor of the nonpartisan Election Reform Information Project's Web site, electionline.org, believes such statewide databases (a HAVA requirement for all states by 2006) could prove immensely beneficial. "The problem of voters lost in the system and the need for provisional ballots will be at least somewhat alleviated by having a good statewide voter-registration database," he said. "It'll have a profound effect on the centralization of elections."

INDEED, THE CENTRALIZATION OF ELECTION ADMINISTRATION should stand as perhaps the overarching goal for states that *don't* enjoy robust civic traditions: The standardization of procedures and consolidation of voter information mitigate arbitrary disparities across counties and localities, clarify procedural problems, and alleviate the long lines and logistical bottlenecks that can amount to a kind of de facto voter suppression. Nowhere have the benefits of centralized reform been better illustrated than in Georgia.

The Peach State does not have a tradition of strong civic participation or a history of well-run elections. Turnout in 2000 was 45.8 percent of the eligible voting-age population, below the

national average. Election administration was highly decentralized, with a hodgepodge of voting methods that contributed to a rejected ballot ("undervote") rate of 3.5 percent, representing 93,991 Georgia voters. That rate exceeded not only the national average (1.9 percent) but also the rate in Florida (2.9 percent).

In January 2001, the Democratic secretary of state, Cathy Cox, issued a thorough and blistering report assessing the problems in Georgia's patchwork elections system and offering an array of reform proposals—most prominently a call for uniform touchscreen voting machines and standardized poll-worker training across the state. That year, the Democrat-controlled state Legislature passed just such a reform. The state spent \$54 million on 22,000 Diebold Inc. electronic voting machines and an additional \$4.5 million on staff training and statewide voter-education programs. The system was tested in municipal elections in 2001, then launched statewide during the 2002 midterm cycle.

Georgia was the only state in the country that managed to implement a comprehensive election overhaul in the aftermath of 2000. How, and why, did it happen there? State Representative Bob Holmes, who chaired the Governmental Affairs Committee at the time, argues that the enthusiastic advocacy of two activist state leaders proved decisive, while the fact that Georgia was de-

Georgia was not a battleground state, and both parties could collaborate on a reform that cut the undervote rate from 3.5 percent in 2000 to 0.39 percent in 2004.

cidedly *not* a battleground state in 2000 tended to lessen partisan tensions over the issue. "We were able to do this under the radar, so to speak," he says. "All the attention wasn't on Georgia, because [George W.] Bush won by 12 points here. ... And we had two very progressive leaders—the governor, Roy Barnes, and the secretary of state, Cathy Cox—who thought it was the right thing to do."

Georgians love their reformed election system. Undervote rates dropped from 3.5 percent in 2000 to 0.39 percent in 2004. A pre-election survey found that 84 percent of Georgians believe that the touchscreen system is an improvement over paper ballots, while exit polls taken on November 2 showed that 90 percent of voters believed their votes were being accurately counted. What of the controversy over Diebold's political connections and paperless ballots? Holmes, for one, acknowledges that a paper-audit system might be desirable, but stresses that the state "did not receive any complaints about alleged ballot stuffing or people saying they voted and it didn't register the way they wanted it to."

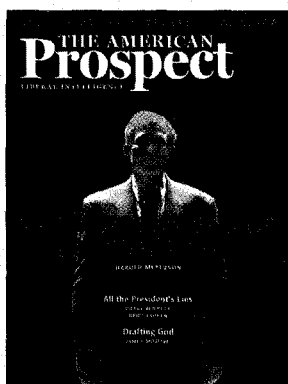
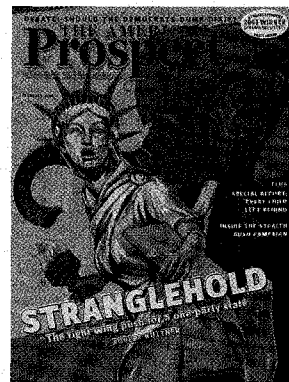
Georgia's election reforms have accompanied a heartening boost in turnout, with its eligible voting-age population participation rate increasing by nearly 10 percent between 2000 and 2004, from 45.8 percent to 55.7 percent. The state's reform experience highlights a worthy path for other states to chart. It also sends a message to states that may lack the hearty political traditions of a Maine or a Minnesota: Law actually can lead the way. **TAP**

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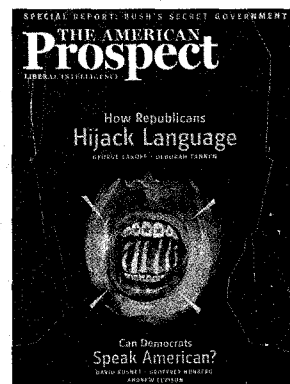
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Republican vote and awarded the presidency to Woodrow Wilson, the former New Jersey governor who was the southern-bred leader of a party dominated by southerners.

THEODORE ROOSEVELT'S COUSIN FRANKLIN MANAGED to add many Greater New England progressives from liberal Republican backgrounds to the old Democratic coalition of southern and western conservatives and populists and northern working-class Catholics. Only the Depression made such an unlikely alliance possible. In 1948, the Democratic Party split three ways, with southern segregationists voting for Strom Thurmond of the States Rights Party and the radical left voting for Henry Wallace of the Progressive Party, leaving Harry Truman to narrowly win election in a four-way race that included the Republican candidate Tom Dewey, who won most of the New England states that are Democratic bastions today.

Patched together again after 1948, the New Deal coalition finally disintegrated in 1968. George Wallace, a populist southern Democrat, appealed to white southerners and northern Catholics alienated by the Democratic Party's left wing. Wallace siphoned votes from Hubert Humphrey, giving the presidency to Richard Nixon. By welding the Wallace Democrats to the Republican base, Nixon won re-election in a landslide in 1972 and established a mostly enduring Republican presidential majority. The only two Democrats to be elected after 1968 were Jimmy Carter, who would not have won but for Watergate, and Clinton, who, because of Ross Perot's presence on the ballot, was able to win with 43 percent of the vote in 1992. Later, Clinton won re-election chiefly by "triangulating" between the dominant liberal left in his own party and the Republicans.

The post-'60s Democrats, increasingly based in Greater New England, converted opposition to the Vietnam War into a generalized opposition to the Cold War and the military. Pro-military Democrats tended to be southerners, like Georgia Senator Sam Nunn, and over time they were replaced by Republicans.

The old pattern in which New England's opposition to a controversial and far from popular war leads to problems for the New England party repeated itself. In spite of the debacle in Indochina, the voters rewarded the more hawkish party with the presidency for most of the remainder of the Cold War. When security moved back to the center following September 11, the Republicans benefited again. George W. Bush was re-elected in 2004 in spite of the disaster in Iraq, just as Richard Nixon had been re-elected in 1972 in spite of the disaster in Vietnam.

A case might be made that the Iraq War, the War of 1812, the Mexican War, and the Vietnam War were all unnecessary. But in each instance, the New England-dominated party paid a heavy

electoral penalty for its opposition to a war that was bungled or lost.

From John Adams and his son John Quincy Adams to Michael Dukakis and John Kerry, Massachusetts politicians associated with the Greater New England traditions of reformism, intellectual elitism, and anti-militarism have been defeated by rivals who embody the southern synthesis of social conservatism, populism, and martial patriotism.

Consider the 2004 election. Reformism? True to the state tradition of being in the vanguard of reform, the Massachusetts Supreme Judicial Court legalized gay marriage in Massachusetts, thereby contributing to the defeat of the Massachusetts presidential candidate, notwithstanding his declared opposition to gay marriage.

George W. Bush, the Yale-educated son of a president and grandson of a Connecticut senator, is more of an aristocrat than John Kerry. But like the Roosevelts and Kennedy, and unlike his own father, Bush has the common touch. In 2004, Democrats did not.

The anti-militarism of the New England tradition haunted the 2004 election as well. Even without the well-funded smear campaign against him organized by the Swift Boat Vets and Pows for Truth, Kerry's attempt to run as a Vietnam War hero would have been made very difficult by his anti-Vietnam War activities as a veteran in the 1970s, when he told the U.S. Senate that American soldiers "razed villages in a fashion reminiscent of Genghis Khan." Kerry was preceded as a U.S. senator from Massachusetts by Charles Sumner (1811-74), who in his first public speech as a young politician in Boston called the U.S. Military Academy at West Point a "seminary of idleness and vice" and described soldiers as "wild beasts." The occasion was a Fourth of July oration. Politicians who compare American soldiers to Genghis Khan and wild beasts have never been successful outside of New England.

TODAY, OUTSIDE OF BIG CITIES WITH LARGE BLACK AND immigrant populations, the Democratic Party is slowly being confined to Greater New England. The political heirs of the Federalists, the Whigs, and the Progressives, today's Democrats are in danger of following those parties into oblivion.

It would be a mistake for the Democrats to think that they can regain a national majority by changing their policies or their style to appeal to more red-state voters. A new majority cannot be built on bland compromises between blue-state liberalism and red-state conservatism. Nor can northeastern or West Coast politicians successfully reinvent themselves as heartland types.

What is necessary is to recast the Democrats as, in effect, a loose federation of regional parties. All successful majority parties have had regional wings. This is true even in today's Republican Party, which, though heavily dominated by right-wing



southerners, includes socially liberal governors like Arnold Schwarzenegger of California and George Pataki of New York, pragmatic internationalists like Nebraska Senator Chuck Hagel, and moderate New England senators such as Maine's Olympia Snowe and Rhode Island's Lincoln Chaffee.

Today's Democratic minority is defined in the public mind by identity-politics groups—blacks, Latinos, feminists, gays and lesbians—and economic-interest groups, like unions. A majority Democratic Party would be defined, in contrast, by its regional wings: northeastern Democrats, West Coast Democrats, Great Plains Democrats, midwestern Democrats, and even some southern Democrats. The regional factions would agree on a brief national platform that is chiefly economic. But they would be free to express their regional differences in the areas of values and foreign policy.

At present, the Democratic Party is a socially liberal party that welcomes both economic conservatives and economic liberals. But in a country with a center-right majority on social issues and a center-left majority on economic issues of interest to the broad middle class and working class, this is exactly backward: Defining liberalism in terms of social liberalism is a formula for minority status. According to various polls, the number of self-described liberals in the United States is no more than 18 per-

The Democrats' litmus tests should be economic, not social: Do their candidates support policies that improve the lives of working Americans?

cent or 20 percent. Public attitudes on race, gay rights, and other subjects have been getting more liberal with each generation, but widespread opposition to unqualified abortion rights and gay marriage shows the limits to this trend. The religious right cannot and should not be courted. But in the foreseeable future, the Democrats have no chance of regaining a majority without the votes of many moderate traditionalists.

The Democrats should retain their bedrock commitment to fighting laws that discriminate against individuals on the basis of race, gender, or sexual orientation. On other issues, which might include affirmative action, abortion rights, and gay marriage, the Democratic Party as a whole should take no stand. The litmus tests should be economic, not social: Do their candidates support policies that improve the lives of working Americans? Do they support a more progressive system of taxation and spending? If so, they should be welcome, even if they oppose abortion or gay marriage (indeed, the new Democratic Senate minority leader, Harry Reid of Nevada, opposes abortion rights). Conversely, economic conservatives with liberal social attitudes should be invited to leave the Democratic Party and join the libertarian wing of the Republican Party. If this means that the Democrats lose some wealthy coastal donors who are motivated by social liberalism, so be it.

The model for a regionally diverse majority coalition of Democrats should be the Lincoln Republicans between the 1860s

and the 1930s. Lincoln Republicans were able to build upon their core constituency in Greater New England to construct a national majority that lasted, with a few interruptions, from the end of Reconstruction to the New Deal. They did so by adding many Jacksonian populists in the border South and Midwest to their political base of former Whigs in the Northeast.

There is no equivalent in today's American politics to the question of slavery in the territories, which united former Whigs and Jacksonian populists in the 1850s. But contemporary parallels can be found for western homestead legislation. Northeastern elites had long opposed the populist idea of free land in the West for settlers. Lincoln and his allies, however, made what became the Homestead Act of 1865 part of the Republican platform, beginning the often-stormy marriage of midwestern agrarians with northeastern industrial and financial elites that endured until the 1930s. The equivalent of the Homestead Act today might be legislation designed to help the suburban working class in the red states to own the contemporary equivalent of productive farms—investment capital. "Universal capitalism" is a populist goal that conservatives have cleverly exploited in the name of the "ownership society," at the same time that the right has manipulated the populist suspicion of income-redistribution programs for the poor.

The Democratic Party should make the populist idea of universal capitalism its own.

The Democratic Party should also try to emulate the Lincoln Republicans by drawing on midwesterners as their presidential candidates. The successes of Carter and Clinton were possible only because the South was still in transition from the Democrats to the Republicans. But Al Gore was no more

capable of carrying his home state of Tennessee in 2000 than John Edwards was of carrying North Carolina in 2004.

For Democrats today, the Midwest is the key to the White House, for the same reason it was crucial a century ago: Its location at the confluence of the major cultural regions of the United States means that its politicians must appeal to more than one tradition. During the era when it was the party supported by Greater New England, from 1868 to 1932, the Republican Party sent only two New England presidents to the White House: Chester A. Arthur and Calvin Coolidge, both from Vermont. Of the 11 Republican presidents during this era, seven—Ulysses Grant, Rutherford B. Hayes, James Garfield, William Henry Harrison, William McKinley, William Howard Taft, and Warren Harding—were from Ohio. Democratic talent scouts should be eyeing midwestern governors.

Greater New England will be the regional core of the Democratic Party for a long time to come. But the next Democratic majority, if there is one, will be one in which the New England political tradition is merely one of several. The Democrats may remain the party of New England. But the Democrats must not be the New England party. **TAP**

Michael Lind, the Whitehead Senior Fellow at the New America Foundation, is the author of Made in Texas: George W. Bush and the Southern Takeover of American Politics.

Movement Interruptus

*September 11 slowed the Democratic trend that we predicted,
but the coalition we foresaw is still taking shape.*

BY JOHN B. JUDIS AND RUY TEIXEIRA

THERE WERE CERTAINLY REASONS TO DESPAIR after the 2004 election—chiefly, the awful thought that George W. Bush and a Republican Congress could find the means to exceed the egregious irresponsibility, the xenophobia, the sheer partisan pettiness, and the callous disregard for life and law of Bush's first term. But the election itself, and Bush's margin of victory over Democrat John Kerry, were not reasons to despair. Bush won re-election by a smaller margin than Bill Clinton, Ronald Reagan, Richard Nixon, or Dwight Eisenhower—and against a deeply flawed Democratic opponent.

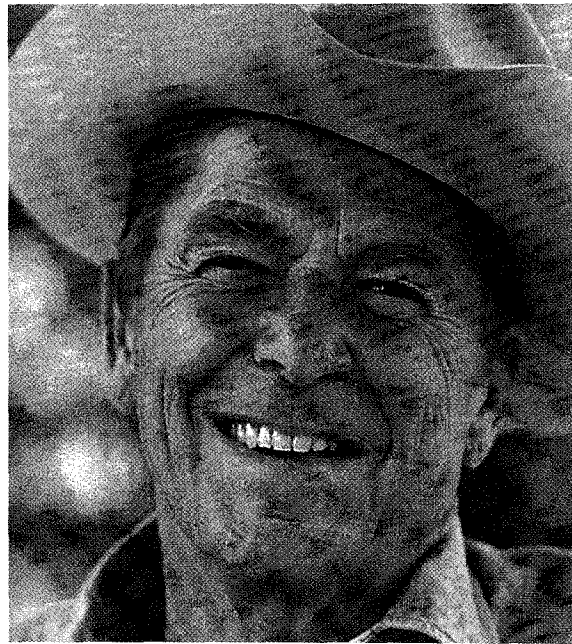
And there was little sign of a party realignment. In the great realigning elections of 1932 and '36, and '80 and '84, Franklin Delano Roosevelt and Ronald Reagan, respectively, created majorities by winning over new blocs of voters from their opponents. In the 2000 and 2004 elections, Bush and the Republicans had to patch together what remained of Reagan's older coalition—without those states and voters that had earlier begun moving toward the Democrats. Bush's victory in 2004 didn't represent the onset of a new majority but the survival of an older one.

The Democrats surely showed weaknesses in the election, particularly in the Deep South and among white working-class voters, but they also displayed continuing strength among constituencies that will command a growing share of the electorate in years to come. These include minorities, single men and women, and college-educated voters. The Democrats also demonstrated surprising strength among younger voters—partly, to be sure, because of the Iraq War, but also because these voters are in tune with the cosmopolitan sensibility that

the Democrats represent. And in this election, the Democrats benefited from a new Internet-based popular movement that could do for this era's Democratic Party what the labor movement did for the old party and what the religious right has done for the Reagan Republicans.

REVIVING REAGANISM

In 1980, Reagan won a new majority that combined long-standing Republican support among upscale voters, farmers, and businesspeople with new levels of support from white working-class Democrats in the South and the North. He fused a traditional Republican attack on high taxes with militant anti-communism, opposition to racial preference, and support for a cultural conservatism rooted in church and family. With this appeal, Reagan not only carried the South and the Plains but, drawing on the suburban vote, states like California, Illinois, and New Jersey. In the '90s, Republicans maintained their support in the South and the Plains, but the Democrats under Clinton won over a new generation of upscale suburbanites and city dwellers who lived in postindustrial metropolitan



Re-Ron?: Bush failed to reproduce Reagan's dramatic gains.

areas. By winning back a modest share of the white working class and maintaining Democratic support among minorities, Clinton obtained a plurality of votes in '92 and '96. He also turned California, Illinois, and New Jersey into Democratic enclaves. And in 2000, Al Gore won the popular vote. On the basis of these trends, we foresaw, in our 2002 book, the emergence of a new Democratic majority by the end of this decade. But the movement toward a Democratic majority was interrupted by the September 11 terrorist attacks. By responding dramatically

to al-Qaeda, Bush was able to revive the Republicans' reputation as the party of national security. In the 2002 election, Bush was able to exploit his success on that score—and to amplify it through carefully timed “terror” alerts and wild exaggeration of the Iraqi threat—to override his failures in managing the economy. In the 2004 election, he used virtually the same formula, and it worked. For substantial parts of the spring and early summer, Kerry actually held the lead in opinion polls. Voters didn't know him, but they knew Bush and were wary of the war in Iraq, which had turned into a quagmire, and the sputtering economy, which had never fully recovered from the recession. Yet after the Republican convention, which was almost entirely devoted to promoting the president as the commander in chief in the war against terrorism, Bush moved ahead in the polls, and, except for the week after his dismal performance in the first debate, never relinquished his advantage.

Bush combined a public campaign as commander in chief and tax cutter with a more targeted campaign aimed at spurring turnout among white evangelicals and winning over observant Catholics (including Hispanics) and Jews who backed Israel's Ariel Sharon. Unless you lived in a small town in a battleground state—say, Lakeland, Florida—you would not have been aware, for instance, of Bush's pitch for evangelical votes, which was often conducted on Christian radio stations, in churches, and on billboards reading “One Nation Under God—Bush/Cheney.”

Bush's targeting was successful. He picked off Democratic constituencies in battleground states, including culturally conservative Hispanics in New Mexico, evangelicals and some Jews in Florida, and observant Catholics in Ohio. In the national exit poll, Catholics who attended church weekly voted for Bush by

educated whites represent a majority of the white vote, that increase alone accounts for most—perhaps 70 percent—of Bush's improved performance in 2004.

This increase came primarily among white working-class women, a group that has shown particular sensitivity to issues surrounding terrorism. One mid-October poll of women voters by comScore, a marketing firm, showed that terrorism was the top issue for women voters, ahead of the Iraq War, the economy, or health care. Of the quarter of women voters who selected terrorism as the top issue, more than three-fourths favored Bush. And according to the Greenberg Quinlan Rosner post-election poll, white working-class women voters, in particular, chose terrorism and security (35 percent, up from 28 percent in late September) over the economy/jobs (25 percent, down from 39 percent in late September), the Iraq War (25 percent), and health care (9 percent) as their most important voting issue.

KERRY AND THE WAR

Bush also benefited from a less than formidable Democratic challenge, which was the product of the peculiar circumstances in which the Democrats found themselves in the fall of 2002. In September of that year, Gore, then the Democratic front-runner, gave a stirring critique of the Bush administration's plans for war in a speech sponsored by MoveOn.org. But Gore was subsequently attacked by pro-war Democrats in his own party. *The Washington Post*, which would later endorse Kerry, charged that Gore “validated just about every conspiratorial theory of the antiwar left.” With his support dwindling in the Democratic establishment, and with his poll numbers far behind those of Bush, Gore, who for all his weaknesses might have been the strongest candidate in 2004, took himself out of the presidential race.

In Congress, the three leading aspirants to the nomination—Kerry, John Edwards, and Dick Gephardt—were determined not to make the same mistake as Georgia Senator Sam Nunn, whose vote against the Gulf War, it was widely believed, had cost him a chance at the presidency. As a result,

they backed the war resolution. But as the campaign unfolded, they were unable to respond to the deepening quagmire in Iraq and to the growing popular outcry against the war, particularly among Democratic primary voters. Kerry finally secured primary voters' support by opposing \$87 billion in funding for the war in October 2003, but by the same move, he made himself a ripe target for the Bush campaign's charge that he was a “flip-flopper.”

To have won in November, a Democratic candidate would either have had to match Bush's credibility on the war on terrorism or make the failure of Iraq, rather than the war on terrorism, the focus of voters' anxieties. Kerry was unable to accomplish either objective. In August he would declare, astonishingly, that even if he had known there were no weapons of mass destruction in Iraq, he would still have voted for the war. Even in October, after he had developed a clearer position, voters could still detect little difference in what he planned to do

To have won in November, a Democrat would have had to match Bush's credibility on terrorism or change voters' focus to Iraq. Kerry did neither.

53 percent to 45 percent, very close to the president's margin among this group in 2000, but in Ohio, Bush won 62 percent of the observant Catholic vote, up from 55 percent in 2000. These were significant tactical successes, but they didn't add up nationally to a new coalition.

Bush failed to capture any of the northeastern or Pacific Coast states that Reagan had won easily in 1980 and '84, and he failed to make dramatic gains nationally among the voting groups that had moved into the Democratic Party in the 1990s. Rather, the key to Bush's victory was reviving Reagan's support among the white working class. According to the post-election survey by Greenberg Quinlan Rosner for Democracy Corps/Institute for America's Future, Bush enjoyed a whopping 24-percent edge among non-college-educated whites, compared with a 19-percent advantage in 2000. (Clinton had actually carried this group by a point in each of his election victories.) Insofar as whites still make up 77 percent of the electorate and non-college-



Red Riders: Motorcycle riders in Martinsburg, West Virginia, where “values” trumps any talk of economics

if elected and what Bush might do. The main difference was in the steadfastness of their approaches.

To make matters worse, Kerry was also incapable of articulating a clear economic message. According to exit polls, while just 49 percent of voters said they trusted Bush to handle the economy, only 45 percent trusted Kerry with the job. Kerry’s health-care program was incomprehensible except to policy wonks. And he embodied an austere, upper-class New England liberalism that turned off many voters. He lacked a popular touch.

Kerry’s failure as a candidate was evident to us in two visits we made to Martinsburg, a small, blue-collar town in West Virginia. We first visited Martinsburg in July, before the Democratic and Republican conventions. At that time, knocking on doors in a working-class neighborhood, we discovered considerable dissatisfaction with Bush over the war in Iraq and the economy. Few people knew Kerry, but they said they were considering voting for him. Visiting Martinsburg two days before the election, we discovered that most of these voters had decided to support Bush. They often mentioned gay marriage and “family values”—the area is dotted with churches—and feeling “safer” under Bush. They also thought Kerry was too “liberal,” a comment about his “values” rather than his program.

Most of these voters were registered Democrats who had voted for Clinton in ’92 and ’96. And many of them told us, and Democratic canvassers, that they would have voted for Clinton this time, too. Typically, one voter, who faulted Kerry for being “too liberal” on “family values,” said Clinton had been “dishonest,” but that he was “an excellent president.” When these voters

talked about the economy, they were clearly closer to the Democrats than Republicans, but they expressed confusion at what Kerry wanted to do. One older voter said, “Of all the countries today, we are the only one that doesn’t have any sort of health-care plan.” That sounded like a line from a Democratic ad, but the voter added that he couldn’t figure out how Kerry’s health plan worked.

In battleground states where there was also a closely contested state race, Kerry usually ran behind the other Democrats on the ticket. In Washington, Patti Murray’s margin in the Senate race was 6 points better than Kerry’s; in Wisconsin, Russ Feingold’s margin was 11 points wider; in Arkansas, Blanche Lincoln won and Kerry lost; and in Colorado, Ken Salazar won and Kerry lost. If Bush’s victory represented a maximization of opportunity, Kerry’s totals represented a bare minimum. Yet this bloc of anti-Bush voters who supported Kerry was extremely large—Kerry garnered the most voters ever for a Democratic candidate—and could be the basis for future Democratic victories.

THE TWO COALITIONS

In the wake of the election, some commentators argued that Bush had dramatically altered the electoral map of the last two decades, but as the corrected exit polls and other post-election surveys have appeared, it has become clear that Bush’s successes were primarily tactical. He didn’t make fundamental or decisive inroads into the Hispanic vote except perhaps in New Mexico. Overall, Bush probably increased his support among Hispanics by no more than 4 percent or 5 percent—only slightly more than

among voters overall. In Florida, Kerry actually appears to have done better among Hispanics than Gore did.

Much was also made of Bush's support in exurban and rural areas. The president did increase his support in these areas, but that is part of a trend that began in 1980. It did not decide the 2004 election. Only 13 percent of Bush's gain in overall vote could be attributed to his increased support in the fringe or ex-urban counties of large metropolitan areas. And this support is unlikely to prove decisive in the future. Despite the fact that ex-urban areas have been growing fairly rapidly, they start from such a small base that their share of all voters has increased only modestly over the last 20 years, from 3 percent to 5 percent. Together with rural counties, which have been declining in population, these areas have stalled at 25 percent of the vote between 1984 and 2004. Exurbia and rural America don't make for much of a political growth stock. They help make Republicans competitive, but they don't give them a new and enduring majority.

The Democrats, on the other hand, continue to show support among groups that are steadily growing as a percentage of the electorate. Among minorities (now up to 23 percent of the electorate), Kerry increased his margin among Asian Americans. His margin among African Americans was slightly smaller than Gore's in 2000—no doubt a product of his patrician aloofness—but higher than that of Clinton in '92 or '96. While Kerry got

rats' success among these voters could have lasting results. Young voters, like suburban professionals, seem to be turning Democratic because of the Republicans' identification with the cultural right. If so, this trend is likely to continue. Young voters also tend to preserve their loyalties as they get older. Many of the voters who turned 18 during the Reagan years are still voting Republican; many of the current younger voters will continue to vote Democratic as they get older.

The Republicans got their most impressive results in the South, where they won five Senate seats vacated by Democrats and increased their congressional delegation. Kerry's percentage was even less than Gore's was in every state of the old Confederacy except Virginia and the Carolinas (where Kerry managed only to match Gore's poor performance). If the Democrats get shut out in Deep South states like Alabama and Georgia (except in majority black congressional districts), their political infrastructure will deteriorate and they will become less able to field competitive candidates, even when the opportunity for success might arise. That will make it more difficult for Democrats to win back Congress, and may also hamper them in presidential races.

Outside the Deep South, however, the Democrats made inroads. In Arkansas and Colorado, they won impressive Senate victories. Democrats also continued to dominate the nation's

postindustrial metropolitan areas, or "ideopolises," increasing the pro-Democratic bias of these areas relative to the rest of the country by a point (three quarters of Bush's net-vote gains, in fact, came outside of ideopolis areas). Kerry predictably racked up large margins in Illinois' Cook County and California's Bay Area, but he also increased the Democrats' margin in Texas'

Kerry increased the Democrats' margin in Texas' Travis County, North Carolina's Mecklenburg County, and northern Virginia's Fairfax County.

drubbed among white working-class women, he and the Democrats continued to show strength among single and college-educated women. Single women, whose vote he carried by 25 percent, increased their share of the electorate from 19 percent to 22 percent; college-educated women, whom Kerry won by 10 percent, increased their share from 21 percent to 22 percent.

Kerry actually did better than Gore did among professionals, a key group in the transformation of the suburban vote. He carried voters with a post-graduate education by 11 percent, 3 percent better than Gore had done. Like Gore, Kerry split college-educated voters overall with Bush, but he increased Democratic support among college-educated men, going from a 57-percent to 39-percent deficit in 2000 to a 53-percent to 45-percent deficit this year.

Kerry also did exceptionally well in '04 among the new generation of voters, winning 18-to-29-year-old voters by 54 percent to 45 percent, compared with a narrow 48-percent to 46-percent margin for Gore in 2000. He even won young male voters by a 51-percent to 47-percent margin, a big change from 2000, when Gore lost these voters 51 percent to 41 percent. In 2000, youth were only 2 points more Democratic than all voters. In this election, youth were 12 points more Democratic. By its nature, the youth vote is transient. But Kerry's and the Democ-

Travis County (from a 5-point deficit to a 14-point lead), North Carolina's Mecklenburg County (from a 3-point deficit to a 4-point lead), and northern Virginia's Fairfax County (from a 1-point deficit to a 6-point lead). It is voters in these ideopolis areas of the solid red states (those Bush carried by 6 points or more in 2000) that are increasing their share of nation's vote, while the non-ideopolis areas of these states, where Bush made big gains in 2004 (more than two-fifths of his overall increase in vote margin), remain stagnant.

THE NEW CENTER-LEFT

In this year's election, the Democratic coalition was strengthened by the emergence of new political organizations. Some of these, like America Coming Together (ACT), grew out of the older alliances among labor and public-interest groups in Washington. Others, like MoveOn.org, came out of the virtual community that the Internet has created. Both kinds of organizations should be around when the next election comes along, and could play an even more decisive role in mobilizing around issues, raising money for candidates, and turning out voters. The ability of the Democrats to match the Republicans in funds (in fact, the Democratic National Committee actually raised more money than the Republican National Committee, and Democratic and

Democratic-oriented organizations spent more in support of Kerry than their Republican counterparts did in support of Bush) was largely due to the use of the Internet, a medium that Democrats and liberals dominate in the same way that Republicans dominate AM radio.

These new groups—and particularly those like MoveOn that are based on the Internet—are most clearly expressions of the growing importance of professionals and college-educated women in the Democratic Party. Many were founded by high-tech professionals, and their members are drawn primarily from the college-educated workforce that has been turning Democratic. In fall 2003, when MoveOn surveyed those of its million-plus members who had voted in its Democratic primary, it found that the single largest group was college-educated women—a perfect match with the profile of new Democratic Party.

Some Republican and hawkish Democratic commentators have branded these new movements and organizations part of the left. *New Republic* Editor Peter Beinart even compared them to the communist-infiltrated left of the late 1940s that backed Henry Wallace for president. But the outlook of these new, primarily upscale and highly educated activists is Clintonite and center-left rather than left wing. These people support environmental regulation and women's rights, vehemently reject the social strictures and anti-scientific attitudes of the religious right, and favor tolerance and fairness in social policy. But, like many college-educated liberals, they are also fiscal conservatives. When MoveOn held a poll in January 2004 on what ad the organization should run on the week of Bush's State of the Union address, its members chose one attacking the Bush administration's budget deficits.

In the 2004 election, ACT, MoveOn, and the other Democratic-oriented groups that took to the field were clearly matched and, in some states, out-organized by Karl Rove's professional cadre. But without their work, turnout in Democratic-leaning areas in the battleground states might not have increased as much as it did. What's more, young voters, who were a particular target of ACT and the Internet groups, might not have responded as enthusiastically as they did, both in terms of their turnout (which may have gone up by as much as 9 points) and their support for Kerry. And this was, after all, these groups' first try at organized intervention in a presidential race. It took Christian conservatives two decades to enjoy the same kind of success that these groups enjoyed the first time around. They should be back and better able to do their job in 2006 and 2008.

THE CONTINGENCIES

But elections aren't won simply by demographic changes. They are won by candidates, and the results often depend on unanticipated events like 9-11. In Congress, Democrats will have a difficult time winning back either the House or the Senate in 2006. In 2002, the Democrats had an extremely good chance to increase their hold over the Senate; instead, they lost it because of 9-11. In 2004, they couldn't overcome retirements in the South, and in 2006, they will face an unfavorable set of contests, although retirements can always alter this [see Sam Rosenfeld, "Better Luck Next Time," *TAP Online*, November 17, 2004]. Bar-

ring the unforeseen, the Democrats' next chance of winning back the Senate will probably be in 2008.

Meanwhile, the Democrats' best chance of winning back the House (as well as the Senate) is to do what the Reagan Republicans did: oust or convert like-minded members of the opposite party. The Republicans won the southern seats that were held by conservative Democrats; similarly, the Democrats need to take over the seats outside the Deep South that are now held by moderate Republicans. There are about 50 to 60 such Republicans in the House, well enough to tilt the majority back to the Democrats. But this could take several election cycles, as it did in the case of the Republicans and the South. Popular Republicans will have to retire or lose some of their support in redistricting, as Maryland Republican Connie Morella did. Of course, this process could be accelerated if the conservative Republican leadership in Congress runs roughshod over such moderates as Rhode Island Senator Lincoln Chafee and Delaware Representative Mike Castle.

As for events in the world, Democrats—and Americans in general—have to worry about a darker scenario. Much of the election in 2004 was decided on whether the electorate focused on 9-11 or the war in Iraq. If voters worried about the former, they backed Bush; if they worried about the latter, they backed Kerry. Many Democrats pointed out that Bush has increased the threat of terrorism by invading Iraq, but Bush was able to convince enough voters that the war on terrorism is a seamless web that has to be combated, whether in Afghanistan or Iraq, and he actually used the mobilization of Islamic radicals in Iraq as grounds to support his candidacy.

A dynamic like that could be set up in the future as well. If Bush were to continue on his present course in the Middle East—launching, for instance, a preemptive strike against Iran or encouraging the Israelis to do it—he would succeed in even further enflaming this region and making it even more likely that Islamic terrorism would blow back into western Europe and the United States. Bush and the Republicans could then argue that this spread of terrorism rendered their tenure in office even more necessary. Nobody knows whether American voters would buy this argument the second time around, but it is certainly possible that they would.

Barring that, though, the Republicans' "Reagan-lite" coalition does not appear to have broad enough support to dominate American politics for the rest of the decade. That should open the door to the Democrats and their new coalition—especially if they can find a way to both mobilize their new center-left and nominate candidates with some comfort level among white working-class voters. The results of the 2004 election suggest that's the right formula. If Democrats want to win and bring their majority into being by the end of the decade, they should adopt it. **TAP**

John B. Judis, a senior editor at The New Republic and visiting scholar at the Carnegie Endowment for International Peace, and Ruy Teixeira, a senior fellow at the Century Foundation and the Center for American Progress, are the authors of The Emerging Democratic Majority.

The Democrats' Da Vinci Code

*The election results they didn't tell you about:
progressive victories in the heart of red America*

BY DAVID SIROTA

AS THE DEMOCRATIC PARTY GOES THROUGH ITS quadrennial self-flagellation process, the same tired old consultants and insiders are once again complaining that Democratic elected officials have no national agenda and no message.

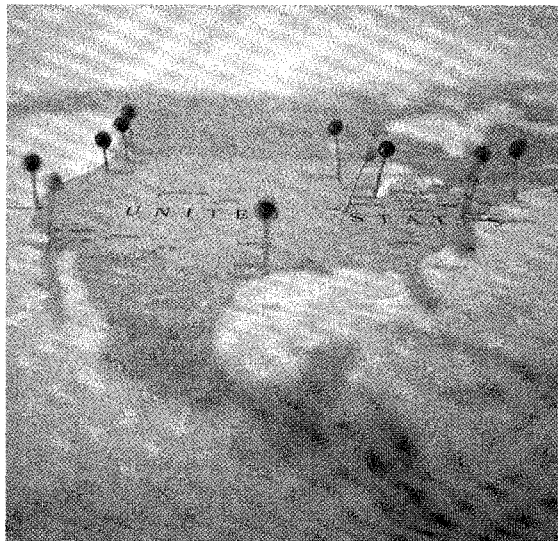
Yet encrypted within the 2004 election map is a clear national economic platform to build a lasting majority. You don't need Fibonacci's sequence, a decoder ring, or 3-D glasses to see it. You just need to start asking the right questions.

Where, for instance, does a Democrat get off using a progressive message to become governor of Montana? How does an economic populist Democrat keep winning a congressional seat in what is arguably America's most Republican district? Why do culturally conservative rural Wisconsin voters keep sending a Vietnam-era anti-war Democrat back to Congress? What does a self-described socialist do to win support from conservative working-class voters in northern New England?

The answers to these and other questions are the Democrats' very own Da Vinci Code—a road map to political divinity. It is the path Karl Rove fears. He knows his GOP is vulnerable to Democrats who finally follow leaders who have translated a populist economic agenda into powerful cultural and values messages. It also threatens groups like the Democratic Leadership Council (DLC), which has pushed the Democratic Party to give up on its working-class roots and embrace big business' agenda. These New Democrats, backed by huge corporate contributions, say that the party must reduce corporate regulation and embrace a free-trade policy that is wiping out local economies throughout the heartland. They have the nerve to call this agenda "centrist" even though poll after poll shows it is far out of the mainstream. Yet these centrists get slaughtered at

the ballot box, and their counterparts—the progressive economic populists—are racking up wins and relegating the DLC argument to the scrap heap.

The code's seven lessons are clear, and have been for some time. The question is, will party insiders see the obvious and finally follow their real leaders? Or will they continue mimicking Republican corporatism, thereby hastening their own demise?



FIGHT THE CLASS WAR

If patriotism is the last refuge of scoundrels, crying "class warfare" is the last refuge of wealthy elitists. Yet, inexplicably, this red herring emasculates Democrats in Washington. Every time pro-middle-class legislation is offered, Republicans berate it as class warfare. Worse, they get help from corporate factions within the Democratic Party itself.

But as countless examples show, progressives are making inroads into culturally conservative areas by talking about economic class. This is not the traditional (and often condescending) Democratic pandering

about the need for a nanny government to provide for the masses. It is us-versus-them red meat, straight talk about how the system is working against ordinary Americans.

In Vermont, Representative Bernie Sanders, the House's only independent and a self-described socialist, racks up big wins in the "Northeast Kingdom," the rock-ribbed Republican region along the New Hampshire border. Far from the Birkenstock-wearing, liberal caricature of Vermont, the Kingdom is one of the most culturally conservative hotbeds in New England, the place that helped fuel the "Take Back Vermont" movement against gay civil unions.

Yet the pro-choice, pro-gay-rights Sanders' economic stances help him bridge the cultural divide. In the 1990s, he was one of the most energetic opponents of the trade deals with China

and Mexico that destroyed the local economy. In the Bush era, he highlighted the inequity of the White House's soak-the-rich tax-cut plan by proposing to instead provide \$300 tax-rebate checks to every man, woman, and child regardless of income (a version of Sanders' rebate eventually became law). For his efforts, Sanders has been rewarded in GOP strongholds like Newport Town. While voters there backed George W. Bush and Republican Governor Jim Douglas in 2004, they also gave Sanders 68 percent of the vote.

Sanders' strength among rural conservatives is not just a cult of personality; it is economic populism's broader triumph over divisive social issues. In culturally conservative Derby, for instance, a first-time third-party candidate used a populist message to defeat a longtime Republican state representative who had become an icon of Vermont's anti-gay movement.

The same message is working in conservative swaths of Oregon, where Democratic Representative Peter DeFazio keeps getting re-elected in a Bush district. For DeFazio, the focus is unfair trade deals and taxpayer giveaways to the wealthy. When Republicans promote plans to "save" Social Security, DeFazio counters not by agreeing with privatization but with his plan to force the wealthy to start paying more into the system.

The message is also used by Mississippi Congressman Gene Taylor, who represents a district that gave 65 percent of its vote to Bush in 2000 and was previously represented in the House by Trent Lott. Taylor bucks his district's GOP tilt by mixing opposition to free trade with what the *Almanac of American Politics* calls "peppery populism" and a demeanor that is "feisty to the point of being belligerent." "Unlike the policy hawks who never leave Washington ... I know the owners of factories, the foreman, and the workers, and they'll all tell you it's because of NAFTA that their factories closed," Taylor told newspapers in late 2003, criticizing the trade deal signed by President Bill Clinton.

This message contrasts with that of the DLC centrists, who promote, for instance, Indiana Senator Evan Bayh's free-trade, Republican-lite positions as a model for winning in red states. What they don't say is that Bayh comes from one of Indiana's most beloved political families and wins largely by virtue of his last name, not his ideology. Where a corporate message like Bayh's has been put to a real challenge, it has been a disaster. In Louisiana, for instance, the state's tradition of electing Democratic populists like Huey and Russell Long gave way to centrist politicians like Senator John Breaux, a man best known in Washington for throwing Mardi Gras parties with business lobbyists. When a Breaux clone ran to replace the retiring senator, he was crushed by a moral crusading Republican.

In North Carolina, instead of following John Edwards' class-based formula, Democrats anointed investment banker Erskine Bowles as the nominee to replace Edwards in 2004. At the time, party insiders brushed off concerns that, as a Clinton White House chief of staff, Bowles was an architect of the free-trade policy that helped eliminate North Carolina's manufacturing jobs. But Bowles' opponent, Representative Richard Burr, made the De-

mocrat pay for his free-trade sellout. "You negotiated the China trade agreement for President Clinton, which is the largest exporter of jobs not just in North Carolina but in this country," Burr said at one debate, robbing Bowles of an economic issue that might have offset North Carolinians' inherent cultural suspicions of a Democrat. On election night, Bowles went down in flames.

CHAMPION SMALL BUSINESS OVER BIG BUSINESS

The small-business lobby in Washington is a de facto wing of the Republican Party. But Democrats are finding that, at the grassroots level, small-business people are far less uniformly conservative, especially as the GOP increasingly helps huge corporations eat up local economies. While entrepreneurs don't like high taxes and regulations, they also don't like government encouraging multinationals to monopolize the market and destroy Main Street.

As a small-business man himself, Montana's 2004 Democratic gubernatorial nominee, Brian Schweitzer, figured out how to use these frustrations in one of America's reddest states. He lamented how out-of-state corporations were using loopholes to avoid paying taxes, thus driving up the tax burden on small in-state companies. He discussed taxing big-box companies like Wal-Mart that have undercut local business. In the process, he became the state's first Democratic governor in 16 years.

In the Midwest and New England, progressives are focused

Gene Taylor bucks his district's GOP tilt by mixing opposition to free trade with a demeanor that is "feisty to the point of being belligerent."

on small manufacturers. These traditional GOP constituencies, which sell components to large multinationals, have been decimated by a trade policy that encourages their customers to head overseas in search of repressive, anti-union regimes that drive down labor costs. "When the economy turned soft [in 2001], we anticipated the business would come back," one owner of a factory-machine business told *BusinessWeek*. "But it didn't. We saw our customer base either close, or migrate to China."

Free-trade critics like Democratic Representatives Mike Michaud, Ted Strickland, and Tim Holden, who perpetually win Republican-leaning districts, are rewarded for their stands with support from these kinds of businesspeople, who had previously been part of the GOP's base. The U.S. Business and Industry Council, which represents America's domestic family-owned manufacturers, now lists these and other progressives at the top of its congressional scorecard.

Unfortunately, these kinds of trailblazers are not yet being rewarded by their own party in Washington. According to reports, the House Democratic leadership is considering promoting some of the most ardent free traders to the Ways and Means Committee, the panel that oversees trade policy. Apparently Democrats have not yet lost enough seats in the heartland to honestly address their Achilles heels.

PROTECT TOM JOAD

Northern Wisconsin and the plains of North Dakota are not naturally friendly territories for progressives. Both areas are culturally conservative, yet their voters keep sending progressive Democrats like Representative David Obey and Senator Byron Dorgan, respectively, back to Congress.

No issue is closer to these two leaders' hearts—or more important to their electoral prospects—than the family farm. In Wisconsin, corporate dairy processors have tried to depress prices for farmers' dairy products. In North Dakota, agribusiness has squeezed the average farmer with lower prices for commodities. But unlike other lawmakers who simply pocket agribusiness cash and look the other way, Obey and Dorgan have been voices of dissent. They have pushed legislation to freeze agribusiness mergers, a proposal originally developed by populist Senator Paul Wellstone of Minnesota. As Dorgan once wrote, "When Cargill, the nation's number one grain exporter, can buy the grain operations of Continental, which is number two, the cops aren't exactly walking tall on the antitrust beat."

Conventional wisdom has said that hunters and exurbanites always vote Republican. But the GOP's siding with landowners and developers is putting the party at odds with these constituencies.

Dorgan and Obey also opposed the Republican-backed "Freedom to Farm Act," which President Clinton signed into law. Instead of pretending the subsidies in the bill were good for the little guy, Obey told the truth and called it the "freedom-to-lose-your-shirt" bill. He noted that the new subsidies would primarily go to large corporations, encourage overproduction that depresses prices, and reward big farms over small ones.

Other Democrats are catching on. In South Dakota, Representative Stephanie Herseth used her family-farm roots to woo Republican voters. As most of Herseth's House Democratic colleagues buckled to corporate pressure and helped pass a free-trade deal with Australia in 2004, the first-term congresswoman attacked her GOP opponent for supporting the pact, arguing that its provisions would undercut American ranchers. She won reelection in the same state where Republicans defeated Senate Minority Leader Tom Daschle.

Similarly, in conservative western Colorado, John Salazar won a House seat by touting his agricultural background. His campaign slogan was "Send a Farmer to Congress," and voters obliged.

And the opportunities for progressives are growing. Instead of neutralizing Democrats' advances on agricultural issues, the GOP is digging in, already planning to repeal country-of-origin labeling laws that help small farms differentiate their products from larger corporate producers. House Majority Whip Roy Blunt, who has pocketed more than \$360,000 from agribusi-

ness, wants to kill the measure, claiming, "I can't find any real opposition to doing exactly what we want to do here." Clearly the GOP hasn't talked to any family farmers lately.

TURN THE HUNTERS AND THE EXURBS GREEN

For years, conventional wisdom has said that culturally conservative hunters and exurbanites will always vote Republican. But the GOP's willingness to side with private landowners and developers is now putting the party at odds with these constituencies. And that could create a whole new class of Democratic-voting conservationists.

In Montana, Schweitzer criticized his opponents for trying to restrict the state's Stream Access Law, which protects anglers' rights to fish waterways that cross through private land. He also promised to prevent the state from selling off public land. It was one of the ways he outperformed previous Democrats in rural areas and won his race.

In Colorado, when the Bush administration tried to allow development in wildlife areas, John Salazar pounced. He noted that many of the Bush administration's plans went "against what

nearly every local elected official on both sides of the aisle has asked for." Salazar's opponent, who was a former lobbyist and industry-friendly state environmental official, was unable to effectively respond.

Meanwhile, successful Colorado Senate candidate Ken Salazar trumpeted his record of creating land-conservation programs, and his surrogates communicated that message to the state's culturally conservative hunters.

"Ken's background in resolving water, access and big game habitat, and natural resources issues best qualifies him to be Colorado's next Senator," wrote the group Sportsmen for Salazar in an open letter to outdoorsmen. The Democrat had transformed his environmental advocacy from a potential "liberal" albatross into an asset in conservative areas.

BECOME A TEDDY ROOSEVELT CLONE

"Tough on crime" has always been a reliable Republican mantra. Now, though, progressives are claiming that law-and-order mantle for themselves. Led by state attorneys general, Democrats are realizing the political benefits of fighting white-collar crime, big-business rip-offs, and corporate misbehavior.

In Republican Arizona, former Attorney General Janet Napolitano became known as a tough prosecutor of corporate crime. She charged Qwest with fraud and negotiated a \$217 million settlement with scandal-plagued accounting firm Arthur Andersen on behalf of investors. The record helped her become the state's first Democratic governor in more than a decade.

In New York, Democrat Eliot Spitzer, who had never held elective office, eked out a victory against a Republican incumbent in 1998 to become the state's Attorney General. He then did something that seemed like political suicide: He took on Wall Street. Specifically, Spitzer used state law to charge investment firms with bilking stockholders. Though opponents labeled him anti-business, he countered that he was pro-business because he

was protecting the integrity of the market. Four years later, he won re-election in a landslide, improving his performance in many parts of the conservative upstate.

On Capitol Hill, some senior Democrats have been slower to take up this fight. For instance, as chairman of the Senate Governmental Affairs Committee in 2002, centrist leader Joe Lieberman refused to seriously investigate the Enron and Arthur Andersen scandals. Not surprisingly, both companies had been bathing Lieberman and his New Democrats in cash for years. The Connecticut senator's refusal to aggressively investigate the matter became an embarrassing public admission that he and his kind had been castrated by their corporate financiers. So rank-and-file lawmakers are filling the void. North Dakota's Dorgan, for instance, brushed past Lieberman by leading high-profile hearings on Enron's misbehavior. As TV cameras rolled, Dorgan dressed down executives who had deceived shareholders.

Sanders, meanwhile, won the hearts of Vermont's Republican-leaning IBM employees by fighting to prevent the company from illegally reducing their pensions. And Mississippi's Taylor continues stumping about corporate traitors. He pushed legislation to prevent taxpayer subsidies from going to companies that ship jobs overseas.

This Teddy Roosevelt-inspired posture is potent for two reasons. First, the GOP's reliance on corporate money means it cannot muddle the issues by pretending to meet progressives halfway. Second, the GOP is increasingly using corporate lobbyists and executives as its candidates for public office. Last year alone, Republicans ran corporate lobbyists and executives for top offices in Indiana, South Dakota, Colorado, Montana, and Florida. These kinds of candidates will never be able to fight off progressive opponents who make corporate crime and excess a major campaign issue.

CLEAN UP GOVERNMENT

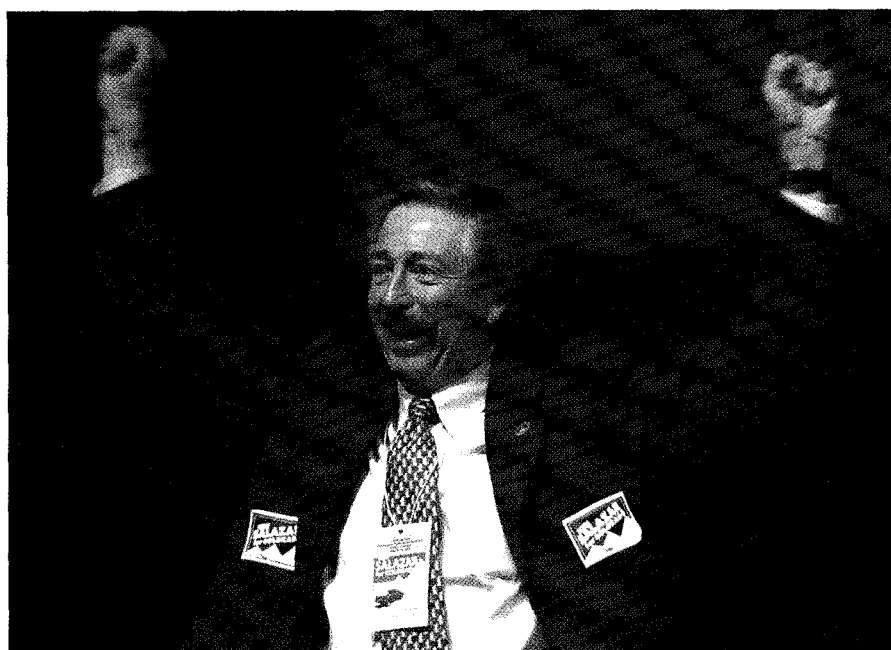
In the early 1990s, Newt Gingrich attacked Democrats as corrupt, wasteful, and incompetent, eventually leading the Republicans to reclaim Congress. Now, though, progressives are using the tactic for themselves.

In Montana, voters grew tired of state policy being manipulated by corporate lobbyists while the economy was sputtering. In Gingrichian fashion, Schweitzer criticized his GOP opponent for becoming a corporate lobbyist after a stint in the Legislature. He also asked why his opponent had spent \$40,000 of taxpayer money to redecorate the secretary of state's office during a state budget crisis.

Schweitzer was following Arizona's Napolitano, who was making headlines by cutting out almost \$1 billion of government waste at a time when the state budget was in the red. Her crusade was reminiscent of how deficits have been used by South Car-

olina Representative John Spratt to symbolize government mismanagement and win his Republican-leaning district. It also echoed Colorado Democrats, who used deficits to win the state Legislature for the first time in 40 years. "The Republicans' obsession with narrow cultural issues while the state's looming fiscal crisis was ignored drove a deep wedge between fiscally conservative live-and-let-live Republicans and the neo-conservative extremists with an agenda," wrote one *Denver Post* columnist.

In the conservative suburbs of Chicago, Gingrich's corruption theme arose as Republican Representative Phil Crane took fire for accepting junkets from companies that do business with Congress. Democrat Melissa Bean, a first-time candidate, used the issue to defeat him. The same thing happened in conservative New Hampshire, where Democratic business-



Howdy, Neighbor: Incoming Representative John Salazar emphasized his defense of the family farm.

man John Lynch hammered Republican Governor Craig Benson over cronyism allegations. Lynch painted Benson as "a governor with ethical problems overseeing an administration wrought with scandal," according to *The (Manchester) Union Leader*. Lynch won the race, making Benson the first New Hampshire governor in almost eight decades to be kicked out of office after just two years.

USE THE VALUES PRISM

In 2004, pundits seem to agree that the national election was decided by "moral values." And though many believe the term is a euphemism for religious, anti-abortion, and anti-gay sentiments, it is likely a more general phrase describing whether a candidate is perceived to be "one of us."

It is this sense of cultural solidarity that often trumps other issues. For example, many battleground-state voters may have agreed with John Kerry's economic policies. But the caricature of Kerry as a multimillionaire playboy windsurfing on Nantucket Sound was a more visceral image of elitism. By contrast, successful red-region progressives are using economic pop-

ulism to define their cultural solidarity with voters. True, many of these Democrats are pro-gun, and some are anti-abortion. But to credit their success exclusively to social conservatism is to ignore how populism culturally connects these leaders to their constituents.

In Vermont's Northeast Kingdom, Sanders' free-trade criticism not only speaks to conservatives' pocketbook concerns but also to a deeper admiration of a congressman willing to take stands corporate politicians refuse to take.

In Montana, Schweitzer's plans to protect hunting access not only attract votes from outdoorsmen but also project a broader willingness to fight for Joe Six-Pack and the state's way of life. As focus groups showed, this stance garnered strong support from Montana's women, who saw it as a values issue.

Wisconsin's Obey may be a high-ranking national Democrat, but he keeps winning his GOP-leaning district by translating legislative fights into values language at home. Debates over Title I funding, for instance, become a venue for Obey to question whether America should provide huge tax cuts to the wealthy while its schools decay. Battles about whether to change antitrust rules become an Obey rant about out-of-state media conglomerates pumping obscene radio shows into his culturally conservative market.

In North Dakota, Enron may have had almost no direct effect on locals. But Dorgan made the company's antics a values commentary on the problem of unethical corporations. "This is disgusting to me," he said to the cameras during an Enron hearing. "[This is] corporate behavior without a moral base."

Mississippi's Taylor flamboyantly challenges free-trade supporters to visit his district to see the effects of their positions. "Some of [those who voted for free trade] knew better, and those are the ones I'm really mad at," he said. "[They] looked out for the big multinational corporations at the expense of average Mississippians and average citizens, even from their own states."

IN THESE SEVEN WAYS, SUCCESSFUL RED-REGION DEMOCRATS have tacked back to a class-based populism that puts them firmly on the side of the little guy. And because voters implicitly know that big guys with lots of cash dominate the political system, that populism projects a deeper sense of values and a McCain-like authenticity.

In the aftermath of the recent election, the stale cadre of campaign consultants who helped run the party into the ground now say the solution is for Democrats to simply invoke God more often and radically change their positions on social issues. But the point is not to impulsively lunge rightward in some cheap, unprincipled gesture to red America that would reek of political strategizing.

The point is to follow red-region Democrats who have diminished the electoral impact of traditional social issues by redefining the values debate on economic and class terms. Granted, the progressive populists profiled above do not uniformly hew to the standard liberal line on social issues: some are pro-life, some pro-choice; some pro-gun ownership, some pro-gun control; some pro-gay marriage, some anti-gay marriage; some vociferous about religion, some subdued. But they

have shown that there is another path that moves past wedge issues if the party is willing to fundamentally challenge the excesses of corporate America and big money.

Critics may say populism will not appeal to middle-class voters because that portion of the electorate is economically comfortable. But polls show that outsourcing, skyrocketing health costs, and other alarming indicators mean that even those who are getting by do not feel financially stable or secure.

Historical revisionists will claim that the centrist Clinton's ascension in the 1990s directly refutes the electoral potency of class-based populism. But Clinton's 1992 campaign was not the free-trade, Republican-lite corporate shilling that many propose as a Democratic panacea. It was, by contrast, populist on all fronts. "I expect the jetsetters and featherbedders of corporate America to know that if you sell your companies and your workers and your country down the river, you'll be called on the carpet," candidate Clinton promised in 1991. On trade, it was the same. "I wouldn't have done what [George Bush Senior] did and give all those trade preferences to China ...," he said. "I'd be for [NAFTA] but only—only—if [Mexico] lifted their wage rates and their labor standards and they cleaned up their environment so we could both go up together instead of being dragged down."

Clinton, of course, proceeded to break these pledges, reducing corporate regulation, coddling big business, and leading the fight for NAFTA and free trade with China. Worse, well after these policies were wreaking havoc on working-class America, high-profile Democrats kept pretending nothing was wrong. "[Congress'] NAFTA vote had about a two-week half-life," said Clinton's chief trade negotiator, Mickey Kantor, years after NAFTA was sucking U.S. jobs south of the border. "Even today trade has very little political impact in the country."

Populist red-region Democrats might beg to differ with Kantor, who is now a high-priced corporate lawyer. They know firsthand that the embrace of a big-business agenda arguably did as much long-term damage to the Democratic Party's moral platform as any of Clinton's sex scandals or the battles over social issues. Because, really, how moral is the "party of the working class" when the president it still worships led the fight for trade agreements that hurt that same working class? Where are the principles of a party that has high-profile leaders so tied to big business that they are unwilling to seriously investigate white-collar criminals? And what are the core values of a party that keeps venerating its corporate apologists while marginalizing its voices of reform?

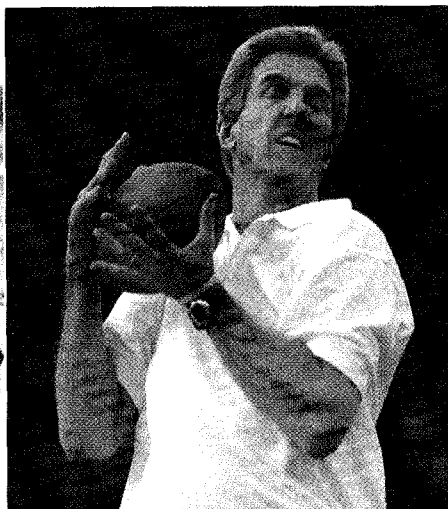
This is why populism is ultimately the way back for Democrats. Because, as red-region progressives show, having the guts to stand up for middle America—even when it draws the ire of corporate America—is as powerful a statement about morality and authenticity as any of the GOP's demagoguery on "guns, God, and gays."

All the Democratic Party has to do is look at the election map: The proof is right there in red and blue. **TAP**

David Sirota is a fellow at the American Progress Action Fund, a progressive advocacy organization in Washington, D.C.

Culture & Books

"Unlike the presidents of Harvard and Columbia, Brewster, when his turn came, shrewdly cooled a volatile situation." —PAGE 36



Ball Boys: Why does the guy on the left look so much more at ease?

SPORTS

NORTH MALICE FORTY

What the Republicanization of testosterone means for the Democrats

BY MICHAEL TOMASKY

JANUARY BRINGS THE ANNUAL RITUALS of the National Football League (NFL) playoffs and the major college bowl games, and if any more evidence were needed about how football-obsessed a nation ours has become, consider the following: Of the top 10 television programs for 2003, three were football games, and a fourth was the Super Bowl post-game show. And 2003 was a down year.

The numbers, like all such numbers, reflect a passion that numbers alone can't convey. I grew up in a college-football town, and while I certainly make no claim that Morgantown, West Virginia, compares to Ann Arbor, Michigan, or South Bend, Indiana, it's nevertheless a place where one sees the passion firsthand. On home-game Saturdays, the malls are deserted, the convenience stores run dry of six-packs, and the traffic along the "Mi-

leground" road is the small-town equivalent of the Brooklyn-Queens Expressway during morning rush hour.

Throughout the country, Saturday sacraments such as these, and their Sunday counterparts around the professional games, have existed unchanged for decades. But in the last decade, something about football has changed: Throughout this period of the galloping reification of our red-blue cultural divide, football has become, metaphorically speaking, a Republican sport. The Democrats, meanwhile, have had to make do with baseball and tennis. Those who recall George Carlin's famous football-versus-baseball routine ("Football has hitting, clipping, spearing, piling on ...," he would announce in a manly voice, before adopting a fey tone to say meekly, "Baseball has the sacrifice") will know: For the purposes of

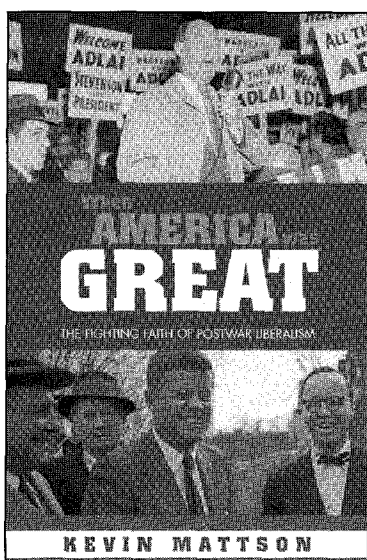
electoral politics, this is not good.

Think of all the times that you read how "NASCAR dads" were the sort of voter the Democratic Party needed to reach. The sentiment is correct, but NASCAR is the wrong—to use an *au courant* word—frame. The NASCAR culture, like that of professional golf, is far too conservative (and too white) for Democrats to make any inroads. But football is different: There are more black athletes, the fan base is much larger and far more diverse, and the game is a more universal symbol of the culture of manhood (there's a reason Jack Kennedy was tossing a football, not a baseball, with his brothers on the Hyanisport beach). Democrats anxious to reconnect with the heartland should be thinking about "football fathers" and wrapping themselves in pigskin.

YOU'RE THINKING, "BUT FOOTBALL was always a Republican sport." Oh, ho—not so. Football was invented in the blue state of New Jersey, and, at least in its professional variety, was entirely a phenomenon of the North for decades. The Deep South never even had a pro team to root for until 1966, when the Miami Dolphins and the Atlanta Falcons began play. The South, until then, lived on college ball exclusively. Southern college football was sometimes dominant, but as the 1960s progressed, far less so, as the northern and West Coast teams began recruiting black players while southern squads stayed lily-white until the early 1970s. It was not for nothing that Richard Nixon, the man who invented racial politics in its modern form, intentionally created a tremendous controversy in December 1969 when he announced that the winner of the upcoming game between undefeated Texas and Arkansas (all-white teams from states where the Republicans were building their nascent majority) should be crowned the national champion, and

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not biracial Penn State, also undefeated at the time. Texas won the championship—but it was the last all-white team to do so, and it started fielding black players the next year. Integration of the southern teams did more for civil rights than a score of liberal groups ever managed.

Meanwhile, in the professional game, matters were tilting very left. The American Football League (AFL)—young, upstart, and somehow associated in the zeitgeist with the youth movement of the day—started beating the tar out of the older, more conservative NFL. Joe Namath was the symbol of the new g-g-generation, sporting long hair and swilling Johnnie Walker Red; with androgynous touches like his billowy fur coat and the television commercial in which he wore women's panty hose, he was practically football's Mick Jagger. There was a San Diego Charger in those days named Dickie Post who wore his hair even longer than Namath and used lingo like "dullsville." A Pittsburgh Steeler named John "Frenchy" Fuqua was famously photographed in *Sports Illustrated* wearing platform shoes in the style popular among hipster men at the time, except that his had water and a goldfish in the heel. Most impertinently of all, Dave Meggyesy of the then-St. Louis Cardinals wrote a book called *Out of Their League*—published by Ramparts Press!—in which he delivered a blistering denunciation of the NFL power structure and even shot a few arsenic-laced arrows in the direction of the Nixon administration ("the most repressive in U.S. history").

A kind of thermidor settled in after that burst of Jacobin liveliness, in football as in American life overall. But the sport did not swing as violently to the right as the nation did in the 1980s. In 1984, the year of Ronald Reagan's landslide re-election, college football was shaken by the Miami Hurricanes, as aggressively black an enterprise as the sport had ever seen. It's no coincidence that the 'Canes were often denounced as cocksure and almost sociopathic, and that Notre Dame fans were heard to describe games between the two schools—in language all too familiar to us today—as battles between good and evil. Fortunately, evil usually won.

No, the Republicanization of football

began during the Clinton era, when the right set about the task of dividing our one nation into two armed camps, associating liberals with Hollywood, the coasts, and enthusiasm for the perverse and the epicene while cornering the testosterone market for itself. Did I previously invoke Penn State as a liberal symbol on the strength of its racially mixed roster? That was then. By 1995, Nittany Lions coach Joe Paterno—a literature major at Brown, of all places—was openly attending a celebration party thrown by Newt Gingrich. (How I have reveled, as both a Mountaineer and a liberal, in his recent misfortunes.) At the professional level, the dominance of owner Jerry Jones' Dallas Cowboys—a "conservative team," Fred Barnes correctly dubbed them in *The Weekly Standard* in 1996—completed the exacta.

Recent years—during which the players have become more and more über-human—have tended to emphasize the regimented, martial, and (let's face it) quasi-fascistic aspects of the game. And speaking of martialism, there is the ever-increasing gladiatorial nature of the spectacle. This change began (surprise, surprise) when Rupert Murdoch's FOX got the contract to televise the NFL's National Football Conference games. FOX introduced the aggressive, zip-zap graphics familiar to viewers of its cable "news" network and the Christians-versus-lions theme music—effects that sometimes made the liberal viewer feel like Proust shivering in his bed, wondering whether he was manly enough even to watch. Lately, this trend has been augmented by such soldierly touches as fighter jets flying in formation during the Super Bowl pre-game shows and the networks' decision after September 11 to broadcast the national anthem, a two-minute slot that in the footloose nation we once inhabited used to be devoted to commercials.

So we are where we are—unfriendly terrain. It'll be a long slog back toward reclaiming a share of the testosterone market. But here's one way to start: Make sure the next presidential candidate knows how to throw a football and—doesn't favor—just to pick a sport out of the air—windsurfing. **TAP**

BOOKS

ACTION LIBERALISM

EUGENE MCCARTHY: THE RISE AND FALL OF POSTWAR AMERICAN LIBERALISM BY DOMINIC SANDBROOK Knopf, 416 pages, \$25.95

THE FALL OF THE HOUSE OF ROOSEVELT: BROKERS OF IDEAS AND POWER FROM FDR TO LBJ BY MICHAEL JANEWAY
Columbia University Press, 284 pages, \$27.50

THE GUARDIANS: KINGMAN BREWSTER, HIS CIRCLE, AND THE RISE OF THE LIBERAL ESTABLISHMENT BY GEOFFREY KABASERVICE
Henry Holt & Co., 592 pages, \$30.00

BY DAVID GREENBERG

THOUGH IT ENDED IN DEFEAT, John Kerry's 2004 presidential bid may someday be hailed as the moment when liberalism began to rediscover its vigor and voice. In the course of a year, the Democrats' aloof, tentative standard-bearer matured into a proud warrior. Liberal regulars trekked en masse to swing states to register voters, while leftist activists muffled qualms about their party's interventionism. Millions of Bush-bashing tracts passed through readers' hands, millions of checkbooks opened, and millions of first-time voters poked chads in the hope of ousting the president.

Yet for all their new determination, Democrats still find themselves staring up at a Himalayan challenge: how to make a majority of their compatriots associate their party with responsibility, guts, and purpose. For all Kerry's mettle, the Democrats retain a popular image as "soft"—timid on defense, permissive on social issues, and, in their intellectual and personal style, open-minded, nuanced, and self-critical to a fault. Indeed, so ingrained have the linkages of liberalism with weakness become that few Democrats can recall a time when their creed and party bespoke strength, verve, and nerve. But if liberals wish to refashion themselves as tough and hardheaded, they need look no further than their honorable history in the mid-20th century. As several new books about liberalism's rise and fall demonstrate, this past is richer in courage and tenacity than today's portrayals would suggest.

Just two generations ago, the liberal-

ism of Franklin Delano Roosevelt and his circle—cocky grapplers such as Tommy "the Cork" Corcoran, Benjamin V. Cohen, William O. Douglas, and Thurman Arnold—represented what Arthur M. Schlesinger Jr., in his 1949 classic *The Vital Center*, called a "fighting faith." An ardent New Dealer, Schlesinger was striving in the early Cold War years to keep his party from reverting to what he called its fuzzy-minded, doughface tradition—the taste for sentimentality and utopianism embodied by the 1948 presidential campaign of Henry A. Wallace. Under FDR, Schlesinger wrote, "American liberalism has had a positive and confident ring. It has stood for responsibility and for achievement ... it has been the instrument of social change."

That "positive and confident ring" is brought to life in *The Fall of the House of Roosevelt*, a memoir-cum-history by the noted journalist Michael Janeway. The son of Eliot Janeway—himself a celebrated journalist and economist, a member of the New Dealers' circle, and, according to his son, a man of "lofty aspirations and a scrappy personal makeup"—Michael Janeway uses his father's life as a vehicle for exploring New Deal liberalism and its fate. With fresh detail and affecting vignettes, rendered in beautiful, evocative prose, Janeway captures the New Dealers' keenness for action, their readiness to use government for social change, even—or especially—in the face of a nasty fight. Janeway quotes the "gladiatorial words" of the Columbia University economist Rexford Tugwell, a charter member of Roosevelt's fabled brain trust:

I am strong,
I am big and well-made,
I am muscled and lean and nervous,
I am frank and sure and incisive ...
My plans are fashioned and practical;
I shall roll up my sleeves—
make America over!

Liberalism thrived under Roosevelt and his can-do enthusiasts, Janeway proposes, not just because they relished action but because their ideas themselves were vigorous. Breaking from their Wilsonian forbears, they gave up moralism for pragmatism. "They saw process as secondary to results," Janeway writes, even though it "opened them to charges of using ends to justify means." Janeway argues that two key "fiercely modern" staples of New Deal thought, legal realism and Keynesian economics, gave Roosevelt's liberalism its iconoclasm and efficacy. Legal realism exploded the fiction of timeless truths in jurisprudence, clearing the way for humane, flexible responses to new challenges. Keynesianism refuted the reigning fatalism about capitalism's harshness by lunging for the dials of economic fine-tuning. What Corcoran, Cohen, and FDR's other economic advisers shared with Douglas, Felix Frankfurter, and the legal realists was a comfort with the exercise of power, not for private agendas but for public improvement. Entrusted with power, government officials had to use it for the public good.

Janeway identifies a similar eagerness to use power for progressive ends in the presidency of Lyndon Johnson, himself a sometime member of the House of Roosevelt. Having arrived in Washington in 1937, LBJ won FDR's favor and stayed close to the New Dealers thereafter. From Roosevelt, one New Dealer told Janeway, Johnson learned "that whatever happens to people is a concern of government; that government is something much more than collecting taxes and keeping the peace." As president, Johnson spoke of "fulfilling FDR's mission" and, according to his aide Bill Moyers, "never really liked the term 'Great Society' ... as much as he liked 'the New Deal.'" Janeway reminds us of the continuities between the New Deal and the Great Society that historians, dwelling on the differences, have often obscured—most important, a bottom-line

devotion to equal opportunity.

The men and women of the House of Roosevelt believed in equal opportunity partly because of their personal experiences. Many of them, Janeway writes, “were born to Irish or Jewish immigrant families, invading the WASP halls of power in Washington for the first time in force, like a flying wedge” and managed to “rewrite the rules for admission to American elite circles.”

A similar quest for admission organizes Geoffrey Kabaservice’s superb study *The Guardians: Kingman Brewster, His Circle, and the Rise of the Liberal Establishment*. Though primarily a biography of Yale University’s last great president, who served from 1963 to 1977, *The Guardians* sets Brewster’s career alongside the parallel stories of like-minded members of what

liberal organization Americans for Democratic Action [ADA].” Although Kabaservice hits a false note in calling Schlesinger’s and ADA’s liberalism “conservative”—“moderate” would be more accurate—the larger point is spot-on: Brewster and his crowd, though harboring a greater measure of moralism in their outlook, otherwise resembled the hard-boiled Cold War liberals and their New Deal progenitors in seeing government as an indispensable protector of civil rights, economic security, and equal access to America’s bounty.

These liberal Republicans also displayed the same eagerness as the Rooseveltians for the uses of power. They jumped at the chance to bring Yale and other elite universities into an egalitarian age, to tackle the urban problems of poverty and decay, to channel the discon-

challenges to his leadership from the likes of William F. Buckley Jr., who sought to parlay alumni outrage into a seat on Yale’s governing board. Although Brewster ultimately yielded ground on legacy admissions, he broke down traditional barriers to women and minorities and raised the university’s scholarly caliber.

Brewster’s finest hour came during the Vietnam War, when militancy roiled universities nationwide. Unlike the presidents of Harvard and Columbia, who dashed their careers and polarized their campuses by precipitately using police force against student protesters, Brewster, when his turn came, shrewdly cooled a volatile situation. As Kabaservice relays in his riveting account, in May 1970, after Richard Nixon’s invasion of Cambodia and the National Guard’s killing of four students at Kent State, campuses everywhere erupted in weeks-long protests. In New Haven, the murder trial of Black Panther leader Bobby Seale added the gasoline of racial tension to the combustible mix. Instead of capitulating or cracking down, though, Brewster showed enough respect for his students’ grievances to retain their affection, persuaded the faculty to make classes optional at the end of the school year to defuse a potential student strike, and personally led a delegation of students to meet with Washington powerbrokers, all the while seeming “dashing,” “energized by the tension,” and eminently sure of himself. Yale emerged from the turmoil, as from Brewster’s admissions overhaul, decidedly stronger.

Brewster’s “vision of excellence, community, and relevance,” Kabaservice concludes, “provides an alternative model of the 1960s, one in which adult perspective worked with youthful energy and imagination to make progress. In the national context, Yale’s history under Brewster still represents the path not taken.” Indeed, if Brewster’s story at Yale ended happily, the Establishment fared less well nationally. Bundy languished in disgrace after helping to trap the country in the Vietnam quagmire. Lindsay, having slighted the demands of New York’s aggrieved ethnic working class, ran an underwhelming presidential campaign in 1972 and “wandered in the political

If liberals wish to refashion themselves as tough and hardheaded, they need look no further than their honorable history in the mid-20th century.

came to be called “the Establishment,” such as McGeorge Bundy, Cyrus Vance, John Lindsay, and Elliot Richardson. Despite coming from aristocratic backgrounds quite different from most of Janeway’s subjects, these Establishment figures agreed that America should embrace its future as a diverse and open society of opportunity—and saw themselves as the ones positioned to superintend the transition.

Given their pedigrees, fondness for tradition, and clubby gentility, these men could as easily be labeled “conservative” as “liberal.” Many were Republicans—although their GOP of noblesse oblige and civic virtue scarcely resembled today’s alliance of Sun Belt moguls and Bible Belt anti-modernists. Indeed, Kabaservice at one point situates them in the “now-forgotten postwar movement called the new conservatism” (not to be confused with neoconservatism)—the effort to articulate a public philosophy that would temper capitalism with traditional notions of virtue. This philosophy, Kabaservice notes, “was not far from the conservative liberalism of ‘vital centrists’ like Schlesinger and the anti-Communist

tents of a young generation toward constructive ends. Some of these efforts, such as Lindsay’s struggle to captain New York City amid the turmoil of the 1960s and early 1970s, ended largely in failure. But given the poisonous Kulturkampf of the day, what’s remarkable is how often they navigated the challenges before them, particularly Brewster.

Central to Kabaservice’s story is Brewster’s brazen plan to revolutionize Yale’s admissions process while boosting its academic standards. Under his leadership, Yale ripened from a complacent training ground for elite gentlemen into an awesome powerhouse of scholarship and learning. Cutting back on mediocre prep-school legacies, Brewster threw open the university’s doors to Jews, blacks, women, and public-high-school graduates of high intellectual caliber and a vast variety of talents, even as he maintained its hoary mission of instilling an ethic of public leadership. Not surprisingly, Brewster, like FDR, drew fire as a traitor to his class, notably from alumni who fumed at the burial of Old Yale. But he reveled in the fight and determined to win, repulsing

wilderness" before succumbing to illness and financial ruin. Both cases showed how the Establishment's buoyant self-confidence could curdle into arrogance. Underestimating the rising currents of populist anger, these members of the Establishment and other liberal leaders lost sight of the need for the democratic responsiveness that had characterized the New Dealers in their heyday. "Their disconnection from the multitude, and their unwillingness to pander to the lowest denominator," Kabaservice concludes, "meant that their enemies could portray them as enemies of the common people—the remnants of a decaying WASP aristocracy clinging to power."

The same fate befell many of Janeway's New Dealers. Abe Fortas, Clark Clifford, and Eliot Janeway himself cut corners in financial matters late in life, as if privately rewarding themselves for their decades of service; but when called to account, they no longer had any reservoir of popular goodwill to draw on for support. And while Lyndon Johnson can't be caricatured as an anachronistic aristocrat, hubris was just as assuredly his tragic flaw. Deluding himself that he could not only repulse communism in Vietnam but also bring a Tennessee Valley Authority to the Mekong Delta, Johnson lost touch with popular sentiment on the war. "His exercise of power," Janeway writes, "looked to the country like blind willfulness."

The perception that government officials and cultural elites were indifferent to the plight of a beleaguered middle class—along with more specific social challenges such as the civil-rights movement, the sexual revolution, and rising crime and welfare rolls—fed the late-1960s backlash against liberalism. But as these two books establish, it was the Vietnam War that brought popular frustration with liberalism to a head. And as Dominic Sandbrook's astute and gracefully written *Eugene McCarthy: The Rise and Fall of Postwar American Liberalism* shows, liberalism's course after Vietnam was just as corrosive to its public standing as was the war itself.

Baby boomers today warmly commemorate McCarthy for his genuinely heroic decision to enter the 1968 New

Hampshire primary as an anti-war candidate—and for nearly scoring a historic upset. Indeed, his near upset was itself historic, helping to persuade Johnson to forsake an effort to win a second term. But in this refreshingly cold-eyed assessment, Sandbrook suggests that the senator ultimately did more to dissipate the electric energy of the anti-war left than to channel it. Although Sandbrook's book has its limitations, notably a sometimes thin grasp of American political traditions, *Eugene McCarthy* nonetheless makes good on its title's promise to use



Exemplary Loser: Eugene McCarthy

the career of a second-rank figure to tell a larger, more important story.

Too well-researched and fair-minded to be called a takedown or hatchet job, Sandbrook's book is still a revisionist account. McCarthy emerges as a headstrong narcissist who cruelly gathered the hopes of crisis-stricken liberal Americans questing for a new direction and then discarded them in the snows of New Hampshire. Even before 1968, we see McCarthy's laziness as a senator, his resentment at being overshadowed by a Catholic contemporary, John F. Kennedy, and his preening self-image as too noble for the messy business of politics. After his breakthrough performance in the New Hampshire primary, however, McCarthy's worst qualities became more, not less, dominant. He snubbed reporters, petulantly refused to work at his speeches, and willfully persisted in disappointing his supporters, as

though he fancied himself a political Miles Davis, enhancing his cool by turning his back on his audiences. One reads with morbid fascination as Sandbrook chronicles McCarthy's juvenile self-destruction: "On one occasion he gave a talk in Los Angeles before the audience arrived; on another, he kept the *New York Times* columnist James Reston waiting while he composed a poem about wolverines. ... When the television host Johnny Carson asked him if he would be a 'good president,' McCarthy replied with a grin, 'I think I would be adequate.'" He canceled appointments with Chicago Mayor Richard Daley, ignored phone calls from powerful governors, and discounted George McGovern's proposal to endorse him.

After 1968, McCarthy embarked on a series of doomed pursuits that Sandbrook describes with a mix of understated humor and a sense of the tragic. Resentful of countless adversaries, McCarthy wrote unreadable books and ran perennially for president, à la Harold Stassen, as a sideshow in Democratic primaries or, later, on third-party tickets. He endorsed Ronald Reagan for president in 1980 largely out of spite for his old rival Walter Mondale, whom he repeatedly said had "the soul of a vice president." His post-1968 career, Sandbrook writes, "had been a study in frustration. His quixotic enterprises attracted little public attention and confirmed the general impression that he was an unruly, disloyal eccentric who had squandered his own reputation in a series of self-indulgent campaigns that never ended in victory and left little impact on American politics and society."

Although McCarthy marginalized himself in the Democratic Party, he kept all too alive the dough-face strain of liberalism—utopian, high-minded to a fault, more anxious than eager about using power. In this respect, McCarthy was the heir not to the rough-and-ready Rooseveltians, or to those whom Theodore White called the "action intellectuals" of the Kennedy and Johnson administrations, but to the great Democratic failure of the postwar years, Adlai Stevenson. McCarthy, after all, nominated Stevenson at the 1960 Democratic convention in a bid to derail Kennedy's

juggernaut—a telling choice of allegiance. The twice-beaten Stevenson still inspired many of his egghead followers at that point with his lofty rhetoric (although the most important intellectuals, such as Schlesinger and John Kenneth Galbraith, had defected to Kennedy, knowing it was time to back a winner). But Stevenson had also by 1960 left no doubt about his essence as a perpetual loser who incorrigibly viewed politics as squalid and beneath him. “Better we lose the election than mislead the people, and better we lose than misgovern the people,” he said in 1952—and unlike other politicians who mouthed such sentiments, he believed it. Revealingly, McCarthy referred to Stevenson as “the purest politician of our time,” and the preference for purity over victory, evident even in McCarthy’s early career, foretold his destiny of irrelevancy.

Yet for more than three decades now many liberals have been in thrall to a Stevensonian-McCarthyesque mentality that persists in seeing politics as debased and imagines nobility in defeat. In politics and policy alike, some liberals have become resolutely squeamish about the use of power, whether as a tool of foreign policy, an instrument of social betterment, or a weapon in the great American

electoral fray. One notable recent exception, of course, was Bill Clinton, whose besting of Newt Gingrich and Ken Starr united leftists and liberals much as John Kerry’s campaign did. On the other hand, even Clinton often hesitated to use power, repeatedly recoiling from nomination fights and legislative challenges and seeking to appease unappeasable constituencies. For all his love of politics and the presidency, he, too, could display a debilitating ambivalence toward power.

To be sure, requiring humility in high office is essential if America is to avoid another Richard Nixon (or George W. Bush). To evince no reluctance to wield power is to risk an arrogance that can rupture democratic bonds, as it did so disastrously during Vietnam. But today’s liberals should also remember what their forbears knew in their bones not so long ago: that in a democracy, leaders are given power by the people; if you use it on their behalf, they not only appreciate it but admire it—and they want you to continue to wield it. **TAP**

David Greenberg, a professor at Rutgers University, is a columnist for Slate and the author of Nixon’s Shadow: The History of an Image.

under the Treaty of Rome. The European Court of Justice has established the supremacy of EU law, the right of individuals to invoke that law, and its own authority to exercise constitutional review—so recognized by every domestic court in Europe.

European nations cannot match U.S. military might, but in trade, foreign aid, votes in international organizations, legitimacy, and global appeal of their social and political model, they surpass the United States. The EU has become the “quiet superpower,” quietly challenging the neoconservative boast of U.S. “unipolarity.” Since the end of the Cold War, the single most effective Western instrument to promote peace and security has not been the U.S. military but the EU’s enlargement—and Turkey is next. As the primary trading partner of every country in the Middle East, including Israel, Europe remains indispensable to any regional settlement. European countries provide 70 percent of the world’s foreign aid, which helps explain why the United Nations Security Council tends to vote their way. They also field 10 times more peacekeepers than the United States—the Pentagon being averse to such tasks—and have sustained more casualties than the United States, not just in the Balkans but also in Afghanistan.

Perhaps most important in the long term, many around the world are coming to view Europe as a superior social and political model to the United States. The essence of its appeal lies in Europe’s social-democratic character. Europeans espouse a broad conception of human rights, which subsumes universal social welfare, medical care, child care, quality education, and unemployment assistance. They willingly pay higher taxes for public transit, media, and housing. Across the globe, this is far more attractive than the 19th-century laissez-faire and libertarian tendencies so prominent in the American constitutional tradition. Abroad, many share Europeans’ disdain for political appeals to religion or nationalism, foreign policy based on military might, expansive protections for private property, and populist exploitation of the death penalty—all staples of American

BOOKS

EU GOT THAT THING

THE UNITED STATES OF EUROPE: THE NEW SUPERPOWER AND THE END OF AMERICAN SUPREMACY BY T.R. REID Penguin Books, 305 pages, \$25.95

BY ANDREW MORAVCSIK

IT IS EASY TO SCOFF AT THE TRappings of the European Union. Its flag of 12 gold stars on blue is bland. Its national holiday—Europe Day, commemorating the Schuman Declaration of May 9, 1950—is ignored. Its national anthem is wordless because Euro diplomats could never agree on a language in which to sing Beethoven’s “Ode to Joy.” Its rapid-reaction force, should it ever form, will be no match for the U.S. Army.

Nonetheless, the EU is the most ambitious and successful exercise in international cooperation in world history—

and now even Americans are noticing. Over the past half-century it has emerged as the dominant forum for economic policy making in Europe. Tariffs, quotas, and most customs barriers have been eliminated. The euro has displaced national currencies. Environmental, antitrust, agricultural, trade, and industrial-standardization policies are largely centralized. The European Parliament, directly elected, steadily increases its power. Whether or not its new constitution is ratified, the EU has had, as lawyers know, a de facto constitution for decades

political life. Small wonder that no country has copied the U.S. Constitution for a half-century.

As the 50th anniversary of the EU's founding Treaty of Rome nears, Republican policies in the United States have helped bolster a sense of a contrasting European identity. That notion of Europe as an alternative to the United States is reflected in a spate of new books on both sides of the Atlantic hailing Europe's achievements, including Will Hutton's *A Declaration of Interdependence* and Jeremy Rifkin's *The European Dream*. Now comes *The United States of Europe* by T.R. Reid of *The Washington Post*.

Reid details how Americans—particularly American conservatives—have repeatedly underestimated Europe. Consider the euro. Henry Kissinger predicted that European governments would never accept a single currency. George Will pithily pronounced, "It will not work." Martin Feldstein foresaw a collapse into chaos and war. Arthur Laffer prophesized in *The Wall Street Journal* that the euro would sink to a value of 60 U.S. cents. In fact, the euro was smoothly introduced on January 1, 2002, and, less than three years later, stands at \$1.30 and rising. It is now poised to overtake the dollar in global reserves—a status that might penalize Americans greatly should deficits trigger a run on the dollar.

Reid is at his best when showing how the EU wields its market power to establish and enforce regulatory standards to the advantage of its consumers and producers. Airbus, a consortium founded by European governments, has toppled Boeing as the world's leading passenger-jet manufacturer. Pan-European agreement on standards for mobile phones propelled Nokia, Ericsson, and Siemens ahead of Motorola in that dynamic market. Dependence on exports to Europe means midwestern farmers are forced to comply with European, not American, regulations—including strict limits on the use of genetically modified organisms. For multinational firms, universal public health insurance is a competitive advantage because the costs to employers are actually lower than for private coverage in the United States. Ford Motor earns

more profits from its Volvo subsidiary in Sweden than from its American plants. No wonder Scandinavian countries topped *The Economist's* list of the world's most competitive economies.

American politicians and executives are feeling political, as well as commercial, heat. When the EU targeted Washington's World Trade Organization-illegal system of export subsidies—the multibillion-dollar Foreign Sales Corporation tax write-off—House Speaker Dennis Hastert blustered, "We fought a revolution 230 years ago to stop Europeans from telling us how we have to tax in this country." But Congress complied with Europe's demand. As CEO of General Electric, corporate legend Jack Welch bet the firm's future on a mega-merger with Honeywell, never imagining that EU competition authorities might disapprove. When Brussels quashed the deal, even over President Bush's complaints, Welch's career was all but finished.

Reid believes not only that Europe is powerful economically but that it is on its way to political and cultural unity. Pan-European business begets pan-European culture. Having reported from London for five years, Reid is captivated by the sort of multinational Euro-yuppie lifestyle in and around the multinational banks and businesses of the City in London (and other EU capitals). Members of "Generation E," as he terms them, speak English as a second language, drink Red Bull, follow global soccer stars such as David Beckham, and watch the Eurovision song contest. Reid foresees the realization of Jean Monnet's half-century-old prophecy that economic integration will transform Europeans into a single, geographically mobile, and culturally unified people, much like Americans today.

Yet here Reid misses perhaps the most important aspect of Europe today—namely, the remarkable persistence of its many national policies, institutions, and cultures. Contrary to Reid's thesis, Europeans have no intention of moving all the way to a United States of Europe. Instead, they are satisfied with an emerging "constitutional compromise" embedded in current EU institutions. According to this compromise, trade policy, microeconomic

regulation, monetary policy, and human rights are delegated to Brussels. But taxation, social policy, health care, pensions, education, defense, and infrastructure—and nearly every other policy that involves fiscal transfers—remain basically national or local. The latter policies reflect distinctive social compromises, and Europeans show no willingness to surrender national democratic control over them. Similarly, national languages, customs, and communities remain stubbornly resistant to homogenization. English may become the second language of Europeans, but it will remain a first language only in the British Isles.

Contrary to Reid's claim, the genius of the EU institutional design is not captured in Monnet's 1950s slogan of continuous technocratic centralization: "ever closer union." Instead, it is found in a phrase that emerged as Europe's motto during its recent constitution-drafting process: "unity in diversity." Despite its technocratic patina, the EU cannot erase the diversity of its members. Ironically, given the vehemence of conservative opposition to the European Union in the United States and the United Kingdom, the EU is classical limited government par excellence—with a slow, incremental style of governance, unanimous assent for constitutional change, strict separation of powers, and narrow substantive limitations on policy. National institutions and cultures are thus protected.

European unification is an epochal idea not because it will create a new nation but because the EU succeeds in balancing the demands of family, community, and nation against those of markets, modernity, and multilateralism. This represents a unique and desirable equilibrium for modern democracies. Precisely because it has achieved this goal so well, the EU is the only distinctively new form of political organization to emerge and prosper since the modern democratic social-welfare state a century ago. **TAP**

Andrew Moravcsik, author of The Choice for Europe, is professor of politics and director of the European Union Program at Princeton University.

The Enemy of Comfort

BY NICOLAUS MILLS

A WEEK AFTER THE PRESIDENTIAL ELECTIONS, IRIS Chang, the much-acclaimed author of *The Rape of Nanking: The Forgotten Holocaust of World War II*, was found dead in her car on a highway just south of Los Gatos, California. Before shooting herself, Chang left a

carefully written suicide note at her home in San Jose and made sure that her body would be discovered by the police rather than by her husband or her 2-year-old son.

The newspaper stories that followed made a point of noting Chang's age—she was just 36—and explaining the success of the most important of her three books, *The Rape of Nanking*, which sold more than a half-million copies in America alone. But largely missing from the accounts of Chang's death were a serious assessment of her work and a recognition of the moral and intellectual vacuum her death leaves. In a world in which most stories on massacre and genocide have the drama of war reportage, Chang, whose grandparents fled the eastern Chinese city of Nanking as the violence there was beginning in 1937, never forgot that her subjects were the vanquished and the dead.

In choosing to write on the siege of Nanking by the Japanese—later estimated to have been responsible for more than 260,000 deaths—Chang selected a subject that had long been buried in Japan and even in the West. At the end of World War II, the Japanese naturally chose to emphasize the suffering they experienced as a result of the atomic bombs that were dropped on Hiroshima and Nagasaki, and America, then committed to rebuilding Japan as a buffer to communist China, was content to let the war crimes of its new ally against its new enemy fade from sight.

So things stood—until Chang's book. Published on the 60th anniversary of the Nanking massacre, when she was 29, it both exposed the silence surrounding what happened at Nanking and opened up the question of how history is taught in Japanese schools, where the atrocities Japan committed during World War II are played down and the killing of thousands of Chinese at Nanking remains an "incident."

But at the heart of *The Rape of Nanking* was Chang's fascination with the politics of rescue—her assessment of what those who in 1937 were still free to act did to save Chinese citizens, and how many of these rescuers, particularly Minnie Vautrin, an American school teacher, and John Rabe, a German businessman, were pushed to the edge. Vautrin, after returning to the United States, had a nervous breakdown in 1941 and, despairing over what she had been unable to accomplish, committed suicide. Rabe was arrested and briefly jailed by the Gestapo in 1938, when he gave a film of the Nanking massacre to the German government. After the war, he lived for a time in Switzerland, surviving on food sent to him by the grateful citizens of Nanking.

Like Vautrin and Rabe, Chang was unwilling to rest on the notion that she had done enough for the victims of the Nanking Massacre. She refused to take comfort in the honors that her book brought her, and in the year on the road that she spent promoting it, she made a point of confronting those who questioned her figures or doubted her accuracy. On television, she challenged the Japanese ambassador to America to apologize for the Nanking Massacre and became outraged when all he would concede was that "really unfortunate things" had taken place.

Chang's husband did not release her suicide note, and press reports failed to offer any details, so we can only guess about what drove her to such despair. But what we do know, in retrospect, is the heavy burden Chang put on herself. At the end of her life, she was working on a book about the Bataan Death March and the abuse of American prisoners of war by the Japanese, and it is impossible not to wish she had taken on an easier subject. But in a world in which so many international figures—the United Nations' Kofi Annan immediately comes to mind—seem content to

deal with the challenge of human disaster in the fashion of athletes out to achieve a winning record (you may lose in Rwanda, but you win in East Timor), Chang had a moral integrity that set her apart. She knew that in the world she dealt with, the price for not doing enough was always paid for by those

most vulnerable, and she could not escape the notion that comfort was the great enemy of people like herself. **TAP**

**Japan's slaughter
of Chinese non-
combatants was
kept under wraps
until Iris Chang's
1996 masterpiece.**

Nicolaus Mills is a professor of American studies at Sarah Lawrence College and the author of Their Last Battle: The Fight for the National World War II Memorial. Robert B. Reich will return next month.

THE GOOD NEWS ABOUT PAIN TREATMENT:

The Drug Enforcement Administration recently posted new guidelines on the DEA website to stop the unjustified harassment and prosecution of pain doctors.

THE BAD NEWS ABOUT PAIN TREATMENT:

Two months later the DEA deleted the guidelines, citing unspecified "misstatements."

No one knows why the DEA suddenly withdrew its own rules -- the Agency isn't talking. But it may have been the fact that the guidelines protected doctors from prosecution if they unwittingly prescribed opiates to addicts who deceived them. The government is currently prosecuting several physicians for exactly that conduct.

Over 30 million Americans suffer from chronic pain. A great many may need double or triple the normal amount of medication -- and they are almost always under-treated. These people could legitimately get relief with opioid drugs but they can't find doctors willing to prescribe enough to kill the pain. Taking opioids for pain relief rarely leads to addiction but

physicians fear that prescribing large doses will attract the attention of over zealous federal agents, a risk that includes lengthy prison terms. So victims of severe accidents, failed surgery, terminal cancer, and the like are often left to writhe in agony.

Over the last two years the DEA tried to address this crisis, working with medical specialists from the University of Wisconsin's Pain and Policy Studies Group. They set guidelines that would both instruct and safeguard physicians, allowing them to prescribe adequate levels of pain medication without fear of harassment.

These guidelines or something like them should be reinstated so that no one has to suffer needlessly.

Common Sense for Drug Policy

www.CommonSenseDrugPolicy.org www.DrugWarFacts.org

Mike Gray, Chair; Robert Field, Co-Chair

THERE'S NOT ENOUGH ART IN OUR SCHOOLS.

NO WONDER PEOPLE THINK
LOUIS ARMSTRONG
WAS THE FIRST MAN TO
WALK ON THE MOON.

It's a long way from the Apollo Theatre to the Apollo program. And while his playing may have been "as lofty as a moon flight," as *Time* magazine once suggested, that would be as close as Louis Daniel Armstrong would ever get to taking "one small step for man."

But as the jazz musician of the



Instead of a giant leap, Louis Armstrong delivered one giant free-form crazy jazz groove for mankind.

20th century, giant leaps were simply a matter of course for Satchmo. For no one has ever embodied the art form the way he did. It was he who helped make virtuoso solos a part of the vocabulary. It was he who was honored with the title "American goodwill ambassador" by the State Department. It was he who was the last jazz musician to hit #1 on the Billboard pop chart.

Not bad for a kid whose first experience with

the trumpet was as a guest in a correctional home for wayward boys. If only today's schools were as enlightened and informed as that reformatory was.

Alas, the arts are dismissed as extravagant in today's schools. This, despite all the studies that show parents believe music and dance and art and drama make

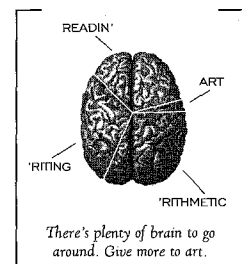
their children much better students and better people.

If you feel like your kids aren't getting their fair share, make some noise. To find out how, or for more information about the benefits of arts education, please visit us on the web at

AmericansForTheArts.org. Just like the great Louis Armstrong, all you need is a little brass.



Armstrong left his footprints on the jazz world, wearing lace-up oxfords.



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